UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
17th meeting
held on
Monday, 30 October 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 17th MEETING

Chairman:	Mr. TSHERING	(Bhutan)
later:	Mrs. TAVARES de ÁLVAREZ (Vice-Chairman)	(Dominican Republic)

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* Items which the Committee has decided to consider together.

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6 November 1995

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 106: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/50/3 A/50/254-S/1995/501, A/50/345, A/50/373, A/50/375, A/50/432 and A/50/433)

AGENDA ITEM 108: INTERNATIONAL DRUG CONTROL (continued) (A/50/3, A/50/89, A/50/95-E/1995/17, A/50/215-S/1995/475, A/50/407, A/50/425-S/1995/787, A/50/460 and A/50/461)

1. Mr. MUKASA-SSALI (Uganda) said that his country attached great importance to combating crime and had taken steps to protect society from organized crime, in particular by improving national legislation in the field of criminal justice. While States bore the primary responsibility for combating crime, the scale of criminality at the national and transnational levels was such that it often exceeded the capacity of individual countries. Furthermore, the global increase in organized transnational crime had now become a threat to international security. A coordinated international effort was needed, involving exchanges of information and expertise, mutual assistance in investigations and bilateral and multilateral agreements, in particular with regard to extradition. In particular, the international community must endeavour to implement the recommendations of the World Ministerial Conference on Organized Transnational Crime (Naples, 1994) and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Cairo, 1995), for security and justice were indispensable conditions for sustained development and human well-being.

2. In many developing countries, efforts to combat transnational crime were hampered by the lack of funds and up-to-date technology. Regional institutions had provided valuable technical assistance, training and advisory services but those efforts must be supplemented by greater contributions from a strengthened United Nations crime prevention and criminal justice programme. In particular, the Crime Prevention and Criminal Justice Branch of the Secretariat should be upgraded to a division. Of special interest to Africa was the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI). The Institute had been forced to scale down its programmes and activities because of a lack of resources. His Government welcomed the Secretary-General's report on the Institute (A/50/375) and endorsed his appeal to the General Assembly to authorize adequate funding for its activities from the programme budget for the biennium 1996-1997. Uganda called upon the United Nations Development Programme (UNDP) to reverse its decision of 1994 to terminate financial assistance to the Institute. While the strong support for the Institute expressed by the various United Nations policy-making bodies was most welcome, if UNAFRI was to continue to deliver its services it must operate on a more stable financial basis.

3. Ms. HOLÍKOVÁ (Czech Republic) said that for many countries, as for the United Nations, combating drug abuse and trafficking and drug-related crime had become a priority. The struggle would be long and difficult. At the same time, it was heartening to observe the determination of the international community to implement the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic

substances. In addition, with the assistance of the United Nations International Drug Control Programme (UNDCP), numerous regional activities had been organized. Given that drug production and trafficking were now largely controlled by organized transnational criminal networks, individual States could not hope to solve the drug problem alone. They must coordinate their efforts, the United Nations and its specialized bodies being an ideal focal point for that process.

4. In the Czech Republic, the opening up of borders and the influx of tourists from abroad, together with the fundamental transformation of the economic and social system, had led to increased drug trafficking and consumption. In addition, some drugs were now being produced locally. The Czech authorities were responding to international concern by preparing an enhanced anti-drug programme. Given the increase in drug abuse among the young, primary prevention would be a key aspect. Teams of teachers, medical staff and social workers would be trained in drug-related issues. The programme would also focus on health care and rehabilitation.

5. At the regional level, a ministerial conference on drugs had recently been held in Prague at which the Czech Republic, Hungary, Poland, Slovakia and Slovenia had signed a memorandum of understanding. The assistance provided by UNDCP on that occasion had been greatly appreciated. A proposal had recently been made to convene a global conference on drugs under the United Nations auspices. It was her delegation's view that, while the proposal was well meant, such a conference would be of little benefit. The international community should concentrate on implementing existing programmes and strategies.

6. Mr. MISTRÍK (Slovakia) said that while his country, located in the heart of Europe, espoused the goal of a world without borders, it was also aware that when border controls were reduced, States became more vulnerable to drug trafficking. In Slovakia, which lay on the Balkan route connecting the drug-producing areas of South-West Asia with the markets of northern and western Europe, large quantities of illicit drugs had been seized. Though it had only limited experience in drug control, the Government was already taking action to control drug production, trafficking and use. Specifically, the Government had approved a national drug-control programme consistent with the Single Convention on Narcotic Drugs of 1961 and subsequent international drug-control conventions. The programme focused on prevention and the treatment and rehabilitation of drug abusers. In addition, it included legislative measures, in line with the commitments undertaken by Slovakia with a view to joining the European Union, to combat money-laundering and to control drug traffic.

7. At the regional level, Slovakia supported the subregional drug-control programme adopted at the Prague ministerial conference on drugs and, like the Czech Republic, had signed the memorandum of understanding. His Government welcomed the preparation in conjunction with UNDCP of six regional programmes aimed at limiting demand. Greater cooperation was vital both among European States and at the global level to combat the drug phenomenon.

8. Mr. KHOMAN (Thailand) said that since the invasion of Panama following allegations of drug trafficking against its leader, General Noriega, the problem of drug abuse and trafficking had ceased to be a purely social issue. Instead,

the struggle against drugs had become a vehicle for those nations which sought to impose their will over the rest of the world, an instrument of accusatory pressure used to extort concessions of all kinds. Thailand itself had experienced such pressure. Certain Thai politicians had been refused entry visas to the United States on the grounds that they had been involved in drug-related activities. The publication of the allegations, though without evidence to substantiate them, had enabled the Thai Government of the time to survive a motion of censure in Parliament. The case was a clear example of interference in domestic politics by another country in support of a friendly administration. The Government which had succeeded that administration had been threatened with sanctions including the curtailment of cooperation with Thailand.

9. The struggle against drug abuse and trafficking would be better served by effective measures at national level than by unsubstantiated allegations. The producing countries, for their part, were conscious of their duties in the field of drug control. Thailand, a transit country, had introduced a range of long-term programmes, for example the promotion of substitute crops, as well as reinforcing short-term repressive measures. The consumer countries, however, had not assumed their full share of responsibility. The efforts by the United States to combat the laundering of drug profits were welcome, but much remained to be done. Consumer countries must accept that drug production would cease without the fuel of continuing demand. Regrettably, the global approach to the drug problem had been marked by attempts to ignore that fundamental truth and to shift responsibility to the producer countries. Instead, consumer and producer countries should work together to combat the drug problem.

10. Mr. THEIN TIN (Myanmar) expressed his delegation's appreciation of the work of the United Nations International Drug Control Programme (UNDCP) and of its Executive Director, particularly in respect of the help provided to his Government in the implementation of its drug-eradication programmes. Myanmar shared the view that concerted action was essential at the national, regional and global levels; the scourge of illicit drugs transcended national borders and could only be overcome with international cooperation. Encouraging progress had been achieved in that respect, but much remained to be done. At the mid-point of the United Nations Decade against Drug Abuse 1991-2000, the international community should redouble its efforts to bring the scourge of drug trafficking to an end.

11. Since gaining its independence in 1948, Myanmar had given priority to the fight against narcotic drugs. His Government had laid down a two-pronged national strategy, involving drug eradication and prevention and efforts to gradually eliminate cultivation of the opium poppy. Also, integrated rural development programmes had been initiated in border areas where poppy cultivation had traditionally been the main source of income, in order to improve socio-economic conditions and encourage crop substitution. His Government had spent more than $400 million on those programmes, relying largely on its own resources; also, Japan had recently approved a grant of approximately $10 million. The border regions had been severely affected since independence by the activities of armed insurgent groups; however, 15 of the 16 groups had ended their armed struggle and were cooperating with the Government for the development of their respective regions. The peoples of the regions concerned had come to realize the need to eradicate illicit drug production, and had

submitted plans to the Government. The latter was still conducting military operations against an armed drug-trafficking group led by the warlord Khun Sa.

12. He was glad to report that Myanmar currently had narcotics-control and information-sharing agreements with all five States with which it had common borders, and had acceded to a subregional agreement with China, the Lao People's Democratic Republic, Thailand, and UNDCP; Cambodia and Viet Nam had since also acceded to the agreement. Myanmar had also concluded bilateral agreements with a number of countries in the region. His delegation was confident that such cooperative efforts would yield results for the benefit of all.

13. Mr. KULYK (Ukraine) said that his Government shared the concern of other States as to the constant growth of criminality, especially in such manifestations as transnational crime, drug trafficking, corruption and ecological crimes. The problem of crime prevention and criminal justice required coordinated efforts at national and international levels. The World Ministerial Conference on Organized Transnational Crime (Naples, 1994), had been an important step towards increased cooperation; his delegation particularly welcomed the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. It also attached great importance to the work of the Commission on Crime Prevention and Criminal Justice. The achievement of the objectives which had been agreed would be directly related to the level of funds available. It was important that an appropriate share of United Nations resources should be allocated to crime control.

14. Crime was currently an urgent problem for Ukraine, which was vulnerable by virtue of its geopolitical situation, and was experiencing increasing levels of crime amid a very difficult period of economic and political transition. His Government had passed new laws and set up a number of programmes and agencies to deal with issues such as drug abuse, corruption, hostage-taking and organized crime. Ukraine was also strengthening its cooperation with other States and international organizations in the field of crime control, and attached particular importance to regional cooperation. However, help was needed in technical equipment for border posts and the customs service, in the training of personnel and in the creation of information-exchange systems.

15. The problems of drug abuse and trafficking remained exceptionally acute; they were also closely linked with organized crime, terrorism, illicit trade in arms, and money-laundering, and called for the closest international cooperation, primarily through the United Nations and its agencies. Ukraine attached major significance to the activities of the Commission on Narcotic Drugs, particularly with regard to the implementation of the United Nations System-wide Action Plan on Drug Abuse Control. His Government was in favour of comprehensive measures to combat trafficking and curb illicit supply and demand. It was desirable to take a balanced approach to the problem of supply and demand, to the suppression of illicit trafficking, and to the treatment and rehabilitation of drug addicts.

16. Steps were being taken to bring national legislation into line with the three major drug-control conventions, to which Ukraine was a party. Agreements had been signed with all members of the Commonwealth of Independent States. He

emphasized the need for practical measures to implement recent decisions, and strict observance of all international conventions.

17. Mr. ILLUECA (Panama), speaking on behalf of the Group of Central American States (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama), expressed support for the work of UNDCP, the Commission on Narcotic Drugs and the International Narcotics Control Board (INCB). His delegation considered that the Global Programme of Action, was a good basis for activities designed to control drug abuse. He hoped that the Committee would support the holding of a second international conference in 1997, 10 years after the first one.

18. The production, transit and consumption of illicit drugs affected all countries. The President of Panama had proposed the creation of a multinational centre for the struggle against drug trafficking and related offences; his proposal had received a warm welcome from a number of Latin American Governments and from the Eleventh Summit Conference of Non-Aligned Countries. Panama intended to provide the necessary facilities for the creation of that centre, which could usefully be discussed at the proposed conference in 1997.

19. Regarding the "control" of drug abuse, he said it was a concept which typified the contradictions of modern culture. The United Nations had played a vital role in liberating peoples from colonialism and apartheid; yet human beings were still not free from all forms of servitude. The condition of the drug addict was one of the most agonizing of the few remaining forms of slavery; that slavery reflected a defect of society, which only a global, multidisciplinary effort could overcome.

20. The Governments of Central America attached great importance to the implementation of the Global Programme of Action. They were endeavouring to play their part, within the confines of available resources, both on a national basis and through the Permanent Central American Commission for the Eradication of the Production, Traffic, Consumption and Illicit Use of Drugs and Psychotropic Substances. That effort included the struggle against drug-related crimes, including terrorism, trafficking in arms and money-laundering.

21. He commended the tireless efforts of the Crime Prevention and Criminal Justice Branch in the promotion of international cooperation; its work had played an important part in the success of the recent Cairo Conference, and had significantly contributed to the work of UNDCP and the Centre for Human Rights. Its cooperation and coordination efforts on the governmental and non-governmental levels were an additional argument in support of the General Assembly's request for it to be upgraded to a Division.

22. Eradicating a $500-billion industry represented a considerable challenge in an increasingly globalized economy. The illegal accumulation of capital on such an enormous scale called for an expanded agenda which encompassed production, demand, consumption and trafficking and which included action by health and education authorities as well as by police and military forces. Concerted action by producer and consumer countries was one of the great challenges currently facing the international community, which must provide the United Nations with adequate resources for leading that effort.

23. The statement of the representative of Thailand at the current meeting had included some regrettable comments which were out of place in the Committee, on a subject which had already been discussed at length by the Security Council and the General Assembly and by the Permanent Council of the Organization of American States. The ambiguity of those claims had slanderous implications and failed to reflect the transparent efforts of Panama's democratically elected Government to implement the Global Programme of Action.

24. Mr. KAMALUDDIN (India) said that his country's geographical location between two of the world's largest drug-producing regions had made it one of the transit countries whose problems must be addressed as part of the Global Programme of Action. India fully supported the views on that subject expressed at the recent Eleventh Summit Conference of Heads of State or Government of the Movement of Non-Aligned Countries, and reaffirmed its commitment to the fight against drugs at the national, bilateral and multilateral levels, as exemplified by its cooperation in the anti-drug activities of the South Asian Association for Regional Cooperation (SAARC) and in the joint India-Pakistan-UNDCP programme.

25. Universal ratification of or accession to United Nations conventions on narcotic drugs and psychotropic substances would make those instruments more effective. His delegation welcomed efforts to incorporate the drug issue into the work of all relevant United Nations agencies, as well as the cooperation between UNDCP and the Crime Prevention and Criminal Justice Branch.

26. To enhance its programmes in developing countries, UNDCP should study the important role of non-governmental organizations in reducing demand in those countries. Developing countries also needed help in improving monitoring methods, taking advantage of the mass media, disseminating information and conducting expert studies and in providing specialized training and treatment services and rehabilitation programmes. He was pleased that national training courses for rehabilitation and after-care workers were to be held in some countries of South and South-East Asia, including India. Moreover, socio-economic development was a vital means of combating the poverty and marginalization that fostered involvement in the drug trade.

27. As one of the few countries that produced opium legally, India supported the view of INCB that global production of opiate raw materials should be restricted to levels corresponding to actual needs, and welcomed the decision of major importers to continue to import opiate raw materials primarily from traditional suppliers. For its part, the Indian Government had taken steps to monitor the cultivation of opium poppies and to control precursors, with cooperation from industry and the mass media, and had entered into a number of bilateral cooperation agreements. Lastly, he expressed India's support for the proposal to convene a world conference on narcotic drugs and psychotropic substances.

28. Mr. RAICHEV (Bulgaria) said that his Government fully supported the efforts of the Commission on Narcotic Drugs and the latter's call for increased integration of anti-drug activities into the work of all the components of the United Nations system. In addition, UNDCP should strengthen its cooperation

with other United Nations bodies and with other intergovernmental organizations, including international financial institutions and regional development banks.

29. The drug problem was on the rise in Bulgaria owing to changing economic and social conditions and to the country's location on the drug traffickers' so-called Balkan route. Drug-related organized crime was becoming more active in Bulgaria, and the decentralization and privatization of the pharmaceuticals industry was making it harder to control psychotropic substances and medicines containing controlled substances. Consequently, the Government had set up a special police branch of the Ministry of the Interior to combat organized crime, and in 1993 had established an inter-ministerial committee to coordinate drug-control activities. In the area of technical assistance, Bulgaria cooperated with bilateral donors and with INCB and UNDCP. In addition, it was working on the implementation of international legal instruments on drugs and was bringing its national legislation into line with them. In view of the importance of regional and subregional cooperation on drug control, he hoped that UNDCP would consider establishing a separate regional section and a field office for south-eastern Europe. Moreover, UNDCP and INCB should further develop their information systems to assist the efforts of Member States. The entire United Nations system should intensify cooperation with other intergovernmental and non-governmental organizations.

30. Mrs. Tavares de Álvarez (Dominican Republic) took the Chair.

31. Mr. EVRIVIADES (Cyprus) said that his Government had participated actively in both the Naples Conference and the Cairo Congress, and supported the decisions of those forums. Organized crime was practically non-existent in Cyprus, apart from a few cases involving drug trafficking. The country had witnessed a decline in terrorist activities - most of which were attributable to foreign rivalry in the region - as a result of the Middle East peace process. While there was no official evidence of money-laundering in Cyprus, the Government was working to prevent such activities by cooperating with other countries, and particularly with the European Union.

32. Cyprus had acceded to a number of conventions on international cooperation in criminal justice and to bilateral cooperation agreements concerning transnational crime and drug trafficking. It supported the recommendations of the Commission on Crime Prevention and Criminal Justice that Member States should develop crime-prevention strategies adapted to local circumstances and that the United Nations should continue to foster research, exchange of information, training and technical cooperation in developing strategies to protect the environment by means of criminal law, as well as its proposals for the control of firearms. Moreover, Cyprus strongly supported the position of the European Union that all measures to fight crime and terrorism must fully respect human rights and fundamental freedoms.

33. Although Cyprus was not a producer or a significant consumer of illegal drugs, its geographical location and its well-developed business, tourism and communications facilities made it a convenient brokering site for drug traffickers. However, the Government's highly effective measures and the traffickers' increased preference for the Balkan route were putting a stop to such activities in Cyprus. None the less, the lawful Government had no control

over the occupied part of Cyprus, which represented 37 per cent of its territory and 55 per cent of its coastline. That unacceptable situation created ideal conditions for transnational crime and drug trafficking, inter alia because seaports and airports in the occupied area were not under government supervision.

34. Universal ratification of or accession to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, full implementation of the Global Programme of Action and thorough integration of the conclusions of recent United Nations meetings on the issue would help to consolidate international commitment to fighting the drug menace. His delegation supported the idea of convening a world conference on drug abuse and trafficking, and welcomed the Mexican Government's suggestions on the issues that could be discussed at such a forum.

35. Cyprus welcomed the efforts of UNDCP to develop article 17 of the 1988 Convention and urged it to pay special attention to article 10 thereof, which concerned assistance to transit States. UNDCP should also expand its "debt-for-drugs" swaps to include debt relief for transit countries. Lastly, he reiterated his Government's proposal that Cyprus should become the official international narcotics information centre for the Near and Middle East.

36. Mr. COLOMA (Chile) said that the fight against illegal drugs called for bilateral and multilateral action by governmental and non-governmental entities both within and outside the United Nations system, and that all such action must take place within the framework of international law. His delegation was convinced that demand reduction influenced the supply and vice versa, and hoped that the principle of shared responsibility between producer and consumer countries would be fully recognized.

37. In January 1995, his Government had promulgated a comprehensive law penalizing all criminal activities related to illicit drugs. Moreover, it cooperated fully with other countries by providing foreign agencies and courts with legal and financial records, including those that were confidential by law, and by cooperating in all extradition procedures, even in the absence of treaties with the country concerned. The judgements handed down in other countries were fully recognized for the purpose of identifying recidivism as an aggravating circumstance.

38. It was important to take a comprehensive approach to the drug problem and to bear in mind that economic and social factors such as poverty, unemployment and the lack of public services, education and appropriate family models fostered the production, trafficking and abuse of narcotics. His delegation supported the proposal to convene a world conference on narcotics, and hoped that a favourable decision would be reached on the question at the next session of the Commission on Narcotic Drugs.

39. Mr. ARDA (Turkey) said that his country was committed to taking all necessary measures against organized transnational crime and considered the Naples Political Declaration and Global Action Plan a step in the right direction. The Cairo Congress was an integral part of the international community's effort to fight such criminal activity. Turkey attached great

importance to bilateral as well as regional and international cooperation in combating all forms of transnational crime. Terrorism was the greatest threat to world peace. International cooperation was essential to ensure that terrorists and other criminals were unable to find support, weapons and sanctuaries. His country was ready to support initiatives to establish mechanisms for information-sharing in order to identify the front organizations of terrorist groups.

40. With regard to international drug control, Turkey felt that, despite all the efforts made, there was a discrepancy between the intentions expressed by States and the implementation of specific measures against drug abuse. His delegation supported the idea of an international conference on the subject. International cooperation was the only way to eliminate drug trafficking; and the production and marketing of essential chemicals used in the illegal production of drugs must be kept under strict control. Close cooperation among law-enforcement agencies would increase the number of seizures of illegally produced drugs. His Government strictly controlled the chemicals that entered the country and had established a data bank on routes used by traffickers. Turkey was amending its legislation in accordance with the Global Programme of Action, and sought to ensure the success of the United Nations Decade against Drug Abuse.

41. Mr. ABDELLAH (Tunisia) said that his country, within its overall development strategy, had drawn up a programme to strengthen national security structures to protect its citizens against organized crime. Tunisia attached particular importance to the implementation of the relevant international instruments and firmly supported the follow-up to the Naples Political Declaration and Global Action Plan as well as the recommendations of the Cairo Congress. His country supported all measures to strengthen United Nations programmes in crime prevention and criminal justice as well as international drug control.

42. Tunisia had improved its institutional and operational capacities in the field of crime prevention and was carrying out a programme to reform the administration of justice. Its crime-prevention measures were designed to strengthen security and educational structures in order to enable prisoners to earn income and facilitate their rehabilitation. Steps were also being taken to upgrade penal institutions. In the field of international drug control, his country had enacted in 1992 a law designed to protect children and young people against drug abuse. Efforts were being made to find better ways to eliminate the production, marketing and consumption of narcotic drugs and provide assistance to drug addicts and promote their social reintegration.

43. Tunisia had participated in various initiatives at the African, Arab and Euro-Mediterranean level to enhance cooperation in crime prevention and criminal justice. The relevant bodies of the United Nations system should continue to focus on the links between terrorism and transnational organized crime to enable the international community to maintain its vigilance. Tunisia, which had already adapted its domestic legislation in implementation of the resolution adopted on that question by the Ninth Congress, hoped that similar measures would be taken at the regional, interregional and international levels and that

cooperation would be institutionalized in order to put an end to national and transnational criminal networks.

44. Mr. PERERA (Sri Lanka) said that international cooperation was indispensable in devising crime-prevention and drug-control strategies. The results of the Cairo Congress and the Naples Political Declaration and Global Action Plan were major strides towards reaching an international consensus on the need for urgent action in that field. Sri Lanka supported the comprehensive resolution and other decisions of the Cairo Congress pertaining to international cooperation and practical assistance for strengthening the rule of law. He underscored the importance of developing United Nations model instruments, such as a convention or conventions against organized transnational crime; implementation of the Standard Minimum Rules for the Treatment of Prisoners; and the treatment of children who were victims of crime. The Commission on Crime Prevention and Criminal Justice should follow up the recommendations put forward at the Congress with practical steps for international cooperation. The consensus achieved at the Cairo Congress and the Naples Political Declaration and Global Action Plan provided a comprehensive framework for meaningful international action.

45. Sri Lanka reaffirmed its support for General Assembly resolution 49/168, on international action to combat drug abuse and illicit production and trafficking. His country, which was a party to all United Nations conventions on drugs, had a comprehensive policy and an institutional framework for combating drug abuse through a multifaceted strategy based on enforcement, preventive education, public awareness, treatment, rehabilitation and international cooperation. New legislation was currently under consideration in order to strengthen Sri Lanka's domestic legal basis.

46. Mr. TARASENKO (Russian Federation) said that his delegation attached particular importance to the anti-drug activities of the United Nations as the main centre for coordinating international action in that field, and hoped that those activities would be made more effective by the restructuring of the relevant United Nations bodies. The United Nations International Drug Control Programme (UNDCP) had carried out significant work in enhancing coordination both within and outside the United Nations system. In that connection, the Russian Federation supported the further strengthening of cooperation between UNDCP and the Crime Prevention and Criminal Justice Branch of the Secretariat.

47. Universal accession to the main international drug-control conventions was a major way to strengthen international cooperation to combat drug trafficking. While his delegation did not oppose the convening of an international conference on narcotic drugs, it was necessary to examine the practical need for such a forum, since UNDCP had already laid down the priorities for a global drug strategy, on which the international community should focus its efforts. The Programme's funds must also be taken into consideration in that regard.

48. The Commission on Narcotic Drugs had carried out significant work in the priority areas for international cooperation. Most of its latest decisions had a practical orientation and reflected the need to take urgent countermeasures at the global level. His delegation supported the firm position taken by the Commission and INCB on the inadmissibility of proposals to legalize the

non-medicinal use of narcotic drugs, since such action could seriously weaken the international drug-control system and the effectiveness of international agreements in that field.

49. In strengthening cooperation among law-enforcement agencies to combat drug trafficking, it was necessary to focus on practical measures relating to money-laundering, supply control and cooperation between customs and border authorities, and to ensure the punishment of international drug offenders by enhancing cooperation in legal assistance and extradition. Lastly, he underscored the need to make use of the experience acquired by regional anti-drug bodies in order to promote regional cooperation.

50. Mr. DEHGHANI (Islamic Republic of Iran) said that his country, a founding member of the Economic Cooperation Organization, was actively participating in efforts to promote drug-control activities and was a party to most of the international drug-control conventions. Referring to General Assembly resolution 48/12, he stressed the crucial importance of national demand-reduction programmes and supported the view that the 1988 Convention should be amended to ensure a greater commitment by Governments to demand-reduction strategies. The idea of the possible legalization of the non-medical use of drugs under the pretext of promoting social freedom was contrary to the provisions of the Convention and would seriously undermine national anti-drug programmes. The Islamic Republic of Iran supported the proposal for a second international conference on drug abuse and trafficking to be held in 1997 in order to express the greater political will of the world community to combat the threat of drugs and adopt an international declaration on demand reduction.

51. The alarming extent of the drug problem in South-West Asia underscored the need for enhanced law-enforcement capacities in the border areas of the countries concerned to prevent drug smuggling. In the past 10 years, his Government had spent more than $200 million on the country's eastern borders to block the influx of illegal drugs. As a result, a large number of drug traffickers had been arrested and their networks had been dismantled. The Islamic Republic of Iran also placed much emphasis on demand reduction and carried out extensive activities, including preventive education in schools and drug-awareness campaigns through the mass media. It had 17 rehabilitation centres, with treatment programmes emphasizing work therapy for drug addicts.

52. Lastly, he drew attention to the grave threat posed by illicit poppy cultivation in South-West Asia, which should be given serious attention by the international community. Significant resources should be allocated for crop substitution by farmers in poppy-growing areas; and the United Nations International Drug Control Programme (UNDCP) should address that question.

53. Mr. KIRKLAND (United States of America) said that his delegation wished to reserve the right to respond at a later date to some of the points made by the representative of Thailand at the current meeting.

The meeting rose at 1 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
18th meeting
held on
Thursday, 2 November 1995
at 3 p.m.
New York

SUMMARY RECORD OF THE 18th MEETING

Chairman: Mr. TSHERING (Bhutan)

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AGENDA ITEM 105: SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued)

AGENDA ITEM 103: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)

AGENDA ITEM 104: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 105: SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/50/L.10-L.12)

Draft resolution A/C.3/50/L.10

1. Ms. WOERGETTER (Austria) introduced draft resolution A/C.3/50/L.10, entitled "Follow-up to the International Year of the Family", and said that Antigua and Barbuda, Azerbaijan, Belgium, Cameroon, Nigeria, Panama, Poland and Romania had joined the sponsors and that the Dominican Republic was no longer a sponsor. Following the extensive consultations with the sponsors and the principal groups, two amendments to the draft resolution had been introduced. In the fifth line of paragraph 2, the phrase "by 1996" was replaced by the words "before the end of 1995", with a view to adjusting the text to the consensus reached at the World Conference on Women, held in Beijing. In the first line of paragraph 5 (b), the word "comprehensive" had been inserted before the word "document".

2. The draft resolution was based on the resolution on the same item adopted at the thirty-fourth session of the Commission for Social Development, and in the drafting account had been taken also of the report of the Secretary-General on the observance of the International Year of the Family, contained in document A/50/370. The purpose of the draft resolution was to continue to keep family-related items in the work programme of the United Nations and to coordinate the implementation of the policies agreed on at major United Nations conferences and conventions. Consequently, the draft resolution requested that the integrated submission of reports should be promoted so as to make better use of human and material resources.

3. At the same time, the Secretary-General was requested to continue the operation of the voluntary fund for the International Year of the Family, to be renamed the United Nations Trust Fund on Family Activities. She hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/50/L.11

4. Ms. ENKHTSETSEG (Mongolia) introduced draft resolution A/C.3/50/L.11, entitled "Progress made and problems encountered in the struggle against illiteracy: a mid-decade review - Cooperation to achieve education for all", and said that the sponsors had been joined by Australia, Belgium, Burkina Faso, China, Côte d'Ivoire, Denmark, Germany, Guinea, Madagascar, Mozambique, Portugal and Turkey.

5. While the preparation for and observance of International Literacy Year had created greater awareness of the problems of illiteracy throughout the world and of the need to mobilize national and international efforts to promote education and literacy, its fundamental objective had not yet been realized. The draft resolution, inter alia, underlined the importance of maintaining the momentum generated by International Literacy Year and the spirit of partnership forged

and increasing efforts at the national and international levels to achieve the goal of education for all, for, in spite of the significant advances made and the commendable work of the specialized agencies and other members of the United Nations system, grave problems still persisted. Accordingly, financial and material assistance was also needed for efforts to increase literacy and achieve education for all.

6. Taking into account the provisions of the report of the Secretary-General (A/50/181), in paragraph 8 of the draft resolution, the Secretary-General was requested, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fifty-second session, through the Economic and Social Council, a progress report on the implementation process of the education for all objectives, including the recommendations of the International Consultative Forum on Education for All. In that context, the sponsors wished to add at the end of paragraph 8 the following words: "taking into account the possible measures, if any, to improve the reporting procedures". She hoped that the draft resolution could be adopted by consensus.

7. Mr. FERNANDEZ (Spain), Ms. WAHBI (Sudan), Mr. BOISSON (Monaco), Miss BOUM (Cameroon), Mr. OTUYELU (Nigeria), Mr. RAI (Papua New Guinea), Ms. NEIJON (Marshall Islands) and Mr. OULD MOHAMED LEMINE (Mauritania) announced that they wished to join the sponsors of the draft resolution.

Draft resolution A/C.3/50/L.12

8. Ms. LIMJUCO (Philippines) introduced draft resolution A/C.3/50/L.12, entitled "Towards full integration of persons with disabilities in society: implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and of the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond" and said that Armenia, Burkina Faso, Cameroon, Guinea, Monaco, Nigeria, Panama and Turkey had joined the sponsors.

9. Various General Assembly resolutions had mentioned the need to elaborate a global disability indicator, and there had been a clear lack of mechanisms to maintain a flow of information on the situation of persons having disabilities. In paragraph 8 of section I of General Assembly resolution 49/153, the Secretary-General and the United Nations agencies concerned had been encouraged to finalize, in consultation with Member States, the elaboration of a global disability indicator, and the Special Rapporteur had been urged to make use of it, where appropriate in his future work. Although that work had advanced, albeit slowly, the current draft resolution requested "the Secretary-General and the United Nations Development Programme, in close cooperation with the Statistical Division of the Secretariat, to finalize the development of global indicators for the fulfilment of equal opportunities for persons with disabilities and the respect of their human rights". Although the consultations relating to the draft resolution had not yet been concluded, she hoped that it could be adopted by consensus.

AGENDA ITEM 103: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/50/L.5/Rev.1, L.6 and L.9)

Draft resolution A/C.3/50/L.5/Rev.1

10. Mr. SAHRAOUI (Algeria) said that draft resolution A/C.3/50/L.5/Rev.1, entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance", had been the subject of intensive negotiations and that some amendments had been agreed on. Paragraph 1 should end with the word "intolerance"; consequently, the rest of that paragraph should be deleted. In paragraph 5, the words "calls upon" should be replaced by the word "encourages". In the third line of the same paragraph, after the words "at all levels" the words "as appropriate" should be added. Paragraph 7 should be replaced in its entirety by the following: "Recognizes also that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination". Paragraph 9 should end with the word "mandate". Consequently, the rest of that paragraph should be deleted.

11. The CHAIRMAN said that the draft resolution had no implications for the programme budget.

12. Mrs. BAIARDI (Paraguay) pointed out that the Spanish and English versions of the first preambular paragraph should refer to resolution 49/147 rather than 48/147.

13. Draft resolution A/C.3/50/L.5/Rev.1, as orally revised, was adopted.

14. Ms. TAMLYN (United States of America) said that the United States had always been firmly committed to the battle against contemporary forms of racism and racial discrimination and to the preservation of human rights, including the right to free speech set out in article 19 of the Universal Declaration of Human Rights. While it welcomed the efforts of the Special Rapporteur to identify instances of racial discrimination in his report (E/CN.4/1995/78 and Add.1), it could not fully support the conclusions and recommendations in the report. History had shown that censorship of the media could lead to polarization of the population, engendering distrust. Therefore, the United States did not endorse the Special Rapporteur's call for monitoring the media.

Draft resolution A/C.3/50/L.6

15. The CHAIRMAN said that draft resolution A/C.3/50/L.6 on the Third Decade to Combat Racism and Racial Discrimination had no programme budget implications. He announced that China had joined the sponsors of the draft resolution.

16. Mr. SAHRAOUI (Algeria) introduced a number of revisions orally. In paragraph 11, the word "Further" should be added at the beginning, and the phrase ", by the year 1998," should be deleted. A new paragraph 11 should be inserted and all subsequent paragraphs renumbered. The new paragraph 11 would read:

> "Requests States to review the relevant decisions of the Economic and Social Council on the comprehensive follow-up to previous world conferences

and the need to make the best use of all existing mechanisms to combat racism;".

17. Draft resolution A/C.3/50/L.6, as orally revised, was adopted.

18. Ms. TAMLYN (United States of America), speaking in explanation of position, said that the existing mechanisms for fighting racism could be significant in encouraging States to strive to eradicate acts of racism. Rather than discussing the possibility of holding a conference on racism, the United Nations should use those instruments more effectively. It should focus attention on implementing the recommendations of the Beijing Fourth Conference on Women, the Copenhagen World Summit for Social Development, the Vienna Declaration and Programme of Action and the Cairo International Conference on Population and Development, before planning any other major conferences. That would allow the Organization to apply the lessons learned and avoid repetition of earlier discussions.

19. Therefore the United States did not at the moment support initiating preparations for a third world conference on racism. Her delegation emphasized its support for the Third Decade to Combat Racism and Racial Discrimination, pledged itself anew to domestic and international efforts to eradicate racism and reiterated its call for responsible use of United Nations resources.

20. Mr. ARDA (Turkey) said that he welcomed the adoption of the draft resolution because of its crucial importance in the struggle against contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance, and he drew particular attention to the appeal for closer cooperation with the Special Rapporteur. The convening of another world conference would greatly advance the struggle against all forms of racism and racial discrimination.

Draft resolution A/C.3/50/L.9

21. Ms. TOMIĆ (Slovenia), said that she wished to make a revision on behalf of the sponsors of the draft resolution entitled "Report of the Committee on the Elimination of Racial Discrimination". In the fourth preambular paragraph, the phrase "all forms of" should be inserted after the phrase "elimination of". She expressed the hope that the draft resolution would be adopted without a vote.

22. The CHAIRMAN said that the draft resolution had no programme budget implications and announced that Côte d'Ivoire, Croatia, Egypt, Georgia, Niger, Panama, Papua New Guinea, the former Yugoslav Republic of Macedonia and Turkey had joined the sponsors.

23. Draft resolution A/C.3/50/L.9, as orally revised, was adopted.

24. The CHAIRMAN said that the Committee recommended that the General Assembly should take note of the reports of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/50/468) and on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/50/493), and of the note of the Secretary-General on the elimination of racism and racial

discrimination (A/50/476). The Committee had concluded its consideration of agenda item 103.

AGENDA ITEM 104: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/C.3/50/L.4/Rev.1, L.7 and L.8)

Draft resolution A/C.3/50/L.4/Rev.1

25. The CHAIRMAN said that draft resolution A/C.3/50/L.4/Rev.1 had no programme budget implications.

26. Ms. NEWELL (Secretary of the Committee) said that certain amendments should be made to the draft resolution. In the fourth preambular paragraph, the words "international criminal" should be inserted before the word "mercenary". In paragraph 4, the word "early" should be replaced by the word "necessary".

27. Angola, Cameroon, Ethiopia, Ghana and Rwanda had joined the sponsors of the draft resolution.

28. Mr. OTUYELU (Nigeria) orally introduced a number of revisions. The fourth preambular paragraph should be revised to read:

> "Alarmed and concerned about the danger that the activities of mercenaries constitute to the peace and security of developing countries, particularly in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through international criminal mercenary activities,".

29. The CHAIRMAN said that the United Kingdom had asked for a recorded vote on draft resolution A/C.3/50/L.4/Rev.1.

30. A recorded vote was taken.

In favour: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Andorra, Argentina, Armenia, Australia, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Georgia, Greece, Ireland, Israel, Kazakstan, Latvia, Lithuania, Malta, Marshall Islands, Monaco, New Zealand, Poland, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

31. Draft resolution A/C.3/50/L.4/Rev.1, as orally revised, was adopted by 98 votes to 18, with 32 abstentions.

32. Mr. RODRÍGUEZ (Spain), speaking on behalf of the European Union in explanation of vote after the voting, said that the European Union unequivocally condemned the recruitment, use or financing of mercenaries and understood the concerns, in particular those of the African countries, which had led to the submission of the draft resolution. However, it had not voted in favour, because it considered that the report by the Special Rapporteur contained several considerations that were extraneous to his mandate and that mercenary activities could be best dealt with as a criminal problem. In that context, the request to the Centre for Human Rights to address those activities as a matter of priority did not appear justified, especially in view of the paucity of resources available for other more pressing human rights activities.

33. Mr. SOAL (South Africa) said his delegation had taken note of the comments of the Special Rapporteur on mercenaries in his report to the Third Committee concerning the changes in South Africa which had made possible the transformation of the apartheid system into a multiracial and multiparty constitutional system. That process had taken a step further with the recent holding of local government elections in most of the country. For technical reasons, voting had not taken place in certain areas, although voters there would have the opportunity to vote early in 1996. At that time, democracy in South Africa would be truly consolidated.

34. The South African Government was strongly opposed to its citizens being involved in the internal conflicts of other countries and took a firm stand against the use of mercenaries anywhere, especially on the African continent. South African legislation prohibited all mercenary activities and provided for substantial fines and prison sentences for transgressors.

35. Mr. LEUCA (Republic of Moldova) said that, despite having reservations about certain paragraphs, his delegation had voted in favour of the draft resolution because of the particular situation in the eastern region of his country, which had been made worse since 1992 by the participation of mercenaries in military activities against the Republic of Moldova. There were still mercenaries in the illegal armed forces of the self-proclaimed Trans-Dniester Republic.

36. Mr. CONTINI (France) explained that the original position of his delegation had been to vote against the draft resolution, but when the time had come to vote it had abstained, for two reasons; first, because of the considerable improvements made to the text and, second, because of the recent news of the coup d'état in the Comoros. It had been carried out and led by mercenaries, mostly French, which had led France to intervene, arresting them and removing them to French territory, where they were currently in prison awaiting trial.

37. Ms. TAMLYN (United States of America) said that her Government remained opposed to the recruitment and use of mercenaries. However, she believed that the issue had been sufficiently reviewed in the appropriate forum, which was the Ad Hoc Committee established by General Assembly resolution 35/48 of 4 December 1980. The question of mercenaries was not comparable with the grave violations of human rights which would be discussed during the current session. In order to focus most effectively the efforts of the United Nations and maximize the effectiveness of its human rights institutions, it was vitally important to redirect attention to the effective implementation of fundamental human rights.

38. Ms. HALL (United Kingdom) said that her delegation shared the views expressed by the representative of Spain on behalf of the European Union, and simply wanted to reiterate the United Kingdom's strong belief that the draft resolution would not remedy the situation, despite the general desire for such a remedy. The United Kingdom had been unable to join in the consensus on the related resolution of the Commission on Human Rights in March 1995, because it believed that the usefulness of the Special Rapporteur's mandate had ended and it was necessary to redeploy the resources at his disposal to other human rights activities. Finally, there were problems with the wording of several passages in the resolution, such as the imprecise reference to various "principles" of the Charter in the third preambular paragraph. Perhaps the intention had been to reflect the provisions of Article 2, paragraph 4, of the Charter, although the principle enshrined there concerned the obligation of Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State.

39. Ms. KOVALSKA (Ukraine) explained that the original position of her delegation had been to vote in favour of the draft resolution, but when the time had come to vote it had abstained because in its judgement the text limited the scope of its measures to a regional rather than a world context.

40. Mr. OTUYELU (Nigeria) pointed out that in the view of Nigeria, which was one of the sponsors of the draft resolution, the exercise of the right of peoples to self-determination was a necessary prerequisite for the enjoyment of human rights.

41. Ms. HORIUCHI (Japan) said that her delegation had voted against the draft resolution despite the fact that Japan not only refused to participate in or condone mercenary activities but, on the contrary, deplored the practice, which was prevalent in many parts of the world. Nevertheless, it had some reservations about the appropriateness of tackling the question in the Third Committee in the context of considering the right to self-determination.

Draft resolution A/C.3/50/L.7

42. The CHAIRMAN drew the attention of the Committee to draft resolution A/C.3/50/L.7, entitled "Universal realization of the right of peoples to self-determination", and said it would have no financial implications for the programme budget.

43. Draft resolution A/C.3/50/L.7 was adopted without a vote.

44. Ms. MURUGESAN (India), speaking in explanation of vote after the voting, said India had not opposed the adoption without a vote of the draft resolution, but that was without prejudice to its position on article 1 of the International Covenant on Civil and Political Rights, article 1 of the International Covenant on Economic, Social and Cultural Rights and the relevant resolutions of the Commission on Human Rights. The Republic of India repeated its view that the term "the right to self-determination" in the aforementioned articles applied only to peoples under foreign domination and not to independent sovereign States or to a section of a people or nation. That was the essence of national integrity. India also wished to underline the concern expressed in the Vienna Declaration that, in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the right to self-determination should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign independent States.

Draft resolution A/C.3/50/L.8

45. The CHAIRMAN drew the attention of the Committee to draft resolution A/C.3/50/L.8 entitled "The right of the Palestinian people to self-determination", and said it would have no financial implications for the programme budget.

46. Ms. NEWELL (Secretary of the Committee) read out two revisions to the draft resolution. In the third preambular paragraph, "the Government of the State of Israel" should be replaced by "the Government of Israel", and in operative paragraph 2, the word "may" should be replaced by "could".

47. Mr. AL-MUTAIRI (Kuwait) and Mr. SALEH (Bahrain) announced that they wished to become sponsors of the draft resolution.

48. The CHAIRMAN announced that Guinea-Bissau, Lesotho and Mozambique had also become sponsors of the draft resolution.

49. Mr. YAACOBI (Israel), speaking in explanation of vote before the voting, said that, despite the title of the draft resolution under consideration, what was at issue was not self-determination but the commitment to the agreements signed by Israel and the Palestine Liberation Organization (PLO) and the essential principles underlying the peace process. Israel had long advocated the principle of direct negotiations without preconditions as the framework to advance peace in the Middle East. That principle had formed the basis of the peace process begun in Madrid and had made it possible to initiate the ongoing

bilateral negotiations between Israel and its Arab neighbours, sign the Declaration of Principles on 13 September 1993 and subsequent agreements between Israel and the PLO, and sign the agreements culminating in the peace treaty between Israel and Jordan.

50. In his letter of 9 September 1993 to Israeli Prime Minister Yitzhak Rabin, PLO Chairman Yasser Arafat had said that the PLO was committed to the Middle East peace process and to a peaceful resolution of the conflict between the two sides, asserting moreover that all outstanding questions relating to permanent status would be resolved through negotiations. Although that commitment had been upheld in subsequent agreements between Israel and the Palestinian Authority, the draft resolution which the Committee had before it was intended to predetermine the outcome of the talks on permanent status and therefore contradicted the obligations undertaken by the PLO in the Declaration of Principles. For that reason, Israel would vote against the draft resolution and urged all Member States which supported the peace process to do the same. Nevertheless, Israel remained committed to the peace process and would spare no effort to bring it to a successful conclusion. Israel called on all parties in the negotiations to do the same.

51. Mr. BIØRN LIAN (Norway), speaking in explanation of vote before the voting, said that, notwithstanding his Government's support of the right of the Palestinian people to self-determination, it should not be forgotten that the question of the permanent status of the Palestinian territories was the subject of negotiations between the PLO and Israel according to the Declaration of Principles of 13 September 1993. The agreement in the Declaration was based on mutual recognition and cooperation between the two parties. Norway considered that the Committee should be careful not to intervene in a decision which was for the two parties themselves to make. Norway would therefore abstain in the vote.

52. A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Samoa, Saudi Arabia, Senegal,

Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Argentina, Cameroon, Fiji, Gabon, Georgia, Latvia, Lithuania, Marshall Islands, Norway, Republic of Moldova, Russian Federation, Rwanda, The former Yugoslav Republic of Macedonia, Uruguay.

53. Draft resolution A/C.3/50/L.8, as orally revised, was adopted by 134 votes to 2, with 14 abstentions.

54. Mr. PARSHIKOV (Russian Federation), speaking in explanation of vote after the voting, said that the realization of the right to self-determination of the Palestinian people was the subject of negotiations between the parties concerned and that the Russian Federation was one of the sponsors of that negotiating process. That process had already achieved some positive results. His delegation did not believe it was helpful for the General Assembly to adopt resolutions which amounted to taking the side of one of the parties in that process, and had therefore abstained in the vote.

55. Mr. ARDA (Turkey) stressed the importance that Turkey attached to the right of all States in the region, including Israel, to live in peace within secure internationally recognized borders in accordance with the relevant resolutions adopted by the Security Council. His country's vote in favour of the draft resolution reflected its commitment to promote all measures which might lead to complete reconciliation in the region.

56. Mr. REZVANI (Islamic Republic of Iran) said that, in the judgement of his delegation, the agreements concluded recently would not lead to the full restoration of the Palestinian people's inalienable rights. He said that, despite having voted in favour of the draft resolution and while bearing in mind the position it had taken on the matter, the Islamic Republic of Iran wished to put on record its reservations about the final preambular paragraph and operative paragraph 2.

57. Mr. GARCÍA MORITÁN (Argentina) said that Argentina had abstained in the vote because it did not wish to be party to a decision which might directly or indirectly upset or harm the process of peace negotiations between the parties or influence it in any way.

58. Mr. KEENE (United States of America) said that the United States was committed to the achievement of a comprehensive, just and lasting peace in the Middle East. Significant progress had been made towards reaching that goal, such as the historic Interim Agreement on the West Bank and the Gaza Strip which had been signed a few weeks earlier in Washington, D.C. The signing of the Interim Agreement and its implementation were clear signs that the process

embarked upon by Palestinians and Israelis was creating a new relationship between the two parties which was directed towards making peace. The international community should do all in its power to support that process, including supporting the Palestinians as they sought to build new institutions and a better life for themselves.

59. The parties to those negotiations had agreed that permanent status issues should be covered at a later stage of the political process and they had recognized that some issues were so complex and sensitive that an interim period was needed before dealing with them. The United States had voted against the draft resolution because it did not think the United Nations should take a position on an issue supported by only one of the parties to the negotiations. The international community should promote and support the agreements reached by the parties and not interfere in the process by taking positions which could be seen as an attempt to prejudge those agreements.

60. Mrs. HOPIUCHI (Japan) said that, despite voting in favour, Japan believed the adoption of the draft resolution did not advance the peace process in the Middle East, as operative paragraph 3 urged the international community to support only one of the parties to that process. Japan believed that it fell to the parties concerned to resolve the question of permanent status by means of negotiations.

61. Mr. HAMIDA (Libyan Arab Jamahiriya) said that his delegation's vote in favour reflected his country's total support for the Palestinian people and its right to self-determination. However, his delegation wished to put on record that its vote in no way implied recognition of the so-called State of Israel. It also wished to express its reservations about the reference in the resolution to the peace process, as a just and lasting peace leading to the solution of the problems of the Palestinian people could not be achieved until all Palestinians had returned to their native soil, all their property had been returned to them, and a democratic State had been created throughout the length and breadth of the Palestinian territories, issues on which there was still disagreement between Arabs and Jews.

62. Mrs. BARGHOUTI (Observer for Palestine) said that the adoption of the resolution by such an overwhelming majority of votes reflected the concern of the international community for the right of the Palestinian people to self-determination. She urged those countries which had abstained to give further consideration to the issue when the General Assembly completed the voting on the draft resolution. In her opinion, the negative vote of the United States and Israel could be interpreted only as a denial of the right of the Palestinian people to self-determination. It was time for the Palestinian people to enjoy all its rights on an equal footing with other peoples.

63. The CHAIRMAN said that the Committee recommended that the General Assembly should take note of the Secretary-General's report on the right of peoples to self-determination (A/50/485) and that the Third Committee had completed its consideration of agenda item 104.

The meeting rose at 5.10 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
19th meeting
held on
Monday, 6 November 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 19th MEETING

Chairman: Mr. TSHERING (Bhutan)

later: Mrs. TAVARES DE ÁLVAREZ (Dominican Republic)
(Vice-Chairman)

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The meeting was called to order at 10.30 a.m.

TRIBUTE TO THE MEMORY OF YITZHAK RABIN, PRIME MINISTER OF ISRAEL

1. At the invitation of the Chairman, the members of the Committee observed a minute of silence.

2. The CHAIRMAN, on behalf of the Committee, expressed heartfelt condolences to the Government and people of Israel in connection with the tragic death of Yitzhak Rabin.

3. Mr. OSSIO (Bolivia), speaking on behalf of the Group of Latin American and Caribbean States, paid tribute to the memory of Yitzhak Rabin.

4. Ms. ENGELBRECHT (South Africa), speaking on behalf of the Group of African States, expressed profound condolences to the Government and people of Israel in connection with the tragic death of Yitzhak Rabin.

5. Mrs. LIMJUCO (Philippines), speaking on behalf of the Group of 77 and China, paid tribute to the memory of Yitzhak Rabin and expressed sincere condolences to the Government and people of Israel.

AGENDA ITEM 109: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (A/50/3, A/50/12, A/50/275-S/1995/555, A/50/413, 414 and 555)

6. Mr. JESSEN-PETERSEN (Director of the Office of the United Nations High Commissioner for Refugees, in New York), introducing the item, said that he had been informed by the Secretariat that the conclusions of the Executive Committee of the High Commissioner's programme would be issued subsequently in an addendum to the report of the United Nations High Commissioner for Refugees (A/50/12). The past year had been another difficult one for the Office of the United Nations High Commissioner for Refugees (UNHCR) and the world's 27 million refugees and displaced persons. The conclusions of the Executive Committee focused on a number of important questions pertaining to the international protection of refugees and solutions to the problems affecting them and on such contemporary issues as statelessness, refugee women, refugees and the environment, and regional refugee issues.

7. The search for solutions was an integral part of the High Commissioner's mandate for international protection. Nowhere would that essential link be more severely tested than in the former Yugoslavia as UNHCR embarked on the delicate and difficult operation of returning refugees in conditions of voluntariness and safety. Guiding principles must be laid down in order to ensure that protection was extended to all who needed it. The Executive Committee reaffirmed the critical importance of development and rehabilitation assistance in addressing the causes of refugee situations, as well as their prevention and solution, including voluntary repatriation.

8. The report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/50/413) provided comprehensive information on

the activities of the United Nations system. Currently, nearly 50 per cent of the world's refugees were in Africa, where UNHCR assistance programmes were extended to nearly 80 million refugees and almost 5 million internally displaced persons. The Office was concerned about the restrictive policies and practices carried out by some Governments in Africa, such as closure of borders to asylum-seekers, large-scale forced returns and expulsions as well as continuing forced displacement. Nevertheless, Africa also continued to be the continent where most of the current solutions were pursued through large-scale voluntary repatriation, as in Eritrea, Chad, Mali and Angola. The report of the Secretary-General on the comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements (A/50/414) provided a concise review of preparations for the convening, not later than 1996, of a regional conference to address those problems in the countries of the Commonwealth of Independent States and relevant neighbouring States.

9. Lastly, the report of the Secretary-General on assistance to unaccompanied refugee minors (A/50/555) addressed issues and activities relating to unaccompanied minors and the efforts to repatriate and rehabilitate them. UNHCR and UNICEF were the United Nations agencies carrying out such activities.

10. Archbishop MARTINO (Observer for the Holy See) said that the Office of the United Nations High Commissioner for Refugees (UNHCR) remained at the forefront of all activities on behalf of refugees and displaced persons. While it was gratifying to note that the overall level of financial contributions to the Office for 1995 had been impressive, the current demands placed on it were far greater.

11. His delegation was gravely concerned about the increasingly frequent and serious attacks against the right to freedom of conscience and religion in UNHCR documents. Failing to take into account the disparate views on appropriate health care in the areas of sexuality and reproduction, certain provisions expressly dismissed individual beliefs in order to require abortion counselling. It would be extremely unfortunate if individuals and humanitarian assistance groups were prevented by UNHCR from providing general health care and other necessities to refugee and displaced populations solely because they objected on moral or health-related grounds to the provision of contraceptives and abortion services. It was hoped that, in the future, the needs and overall well-being of refugees would be considered openly and would take precedence over an ideological preoccupation with a limited concept of "reproductive health care".

12. While appealing to all countries to carry out international commitments concerning refugees, he also advocated initiatives by the international community to address the concerns of host communities in order to strengthen their capacity and willingness to cope with population movements. The resources of some countries, for example those in the Great Lakes region of Africa, had been very severely strained by the sudden and massive influx of refugees. Much more must be done to protect refugee women and children, who were all too frequently victims of abuse and neglect. Women in refugee camps must be given a greater role in the management of supplies and the distribution of foodstuffs since they were generally more capable of meeting the basic needs of their

families. Careful attention must also be given to preserving and strengthening families within the camps.

13. Enabling the refugees to return in justice and dignity was the best final solution. Serious efforts at promoting genuine reconciliation in the countries of origin, establishing judicial systems for prosecuting crimes committed against the population, training police and revitalizing the economy were indispensable for the peaceful resettlement of refugees. In that connection, it was hoped that the plan of action adopted in February 1995 at the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region would be implemented without delay and create momentum for voluntary repatriation in that part of Africa. Lastly, he stressed the fact that millions of internally displaced persons remained at the mercy of oppressive regimes and urged the international community to find a balance between the sovereignty of States with regard to their internal affairs and the inalienable rights of those people, who could not be protected under the relevant international instruments.

14. Mrs. Tavares de Álvarez (Dominican Republic), Vice-Chairman, took the Chair.

15. Mr. MARUYAMA (Japan) expressed his Government's condolences to the Government and people of Israel on the occasion of the death of the Prime Minister, Mr. Rabin.

16. He said that in the past few years the international community had faced an unprecedented challenge as the number of refugees and internally displaced persons had soared to total some 27.4 million people of concern to UNHCR. Some success had been achieved in recent months with the return of some 1.7 million refugees to their countries of origin, notably Mozambique, Afghanistan and Myanmar. The prospects of a solution to the problem of the refugees and displaced persons in the former Yugoslavia had also improved as a result of the cooperation of neighbouring countries and the determined efforts of the humanitarian organizations of the United Nations system. The highest praise for those successes, however, must go to the High Commissioner and her staff, who had displayed extraordinary dedication and commitment to their mission.

17. Formidable new challenges still remained to be faced. One of them was how to ensure a continuum from emergency relief to rehabilitation and development. His Government appreciated the initiative taken by UNHCR in implementing the small community-based quick-impact projects to spark the initial phase of rehabilitation, but a mechanism was needed to ensure a smooth transfer of responsibility for rehabilitation assistance when UNHCR departed. It was essential to establish a close cooperative relationship between UNHCR and international development organizations including UNDP and the World Bank so that their operations could commence as soon as a conflict ended. For its part, the Government of Japan intended to work to effect a smooth continuum through the implementation of bilateral and multilateral development assistance in parallel with humanitarian assistance.

18. With regard to the security of personnel engaged in humanitarian assistance, his delegation wished to express its condolences to the families of

staff members of humanitarian organizations who had lost their lives in the course of their duties. He appealed to all Member States to ratify or accede to the Convention on the Safety of United Nations and Associated Personnel. It did not automatically cover personnel engaged in humanitarian assistance, however, and in recent months refugees and displaced persons had increasingly frequently found themselves in the midst of conflict and violence together with the personnel assisting them. His delegation would therefore like to propose that the Security Council or the General Assembly should make the declaration of an "exceptional risk" more automatic in order to cover such personnel.

19. He emphasized once again the need to extend international assistance not only to the countries of origin but to the neighbouring and refugee host countries. According to the High Commissioner's report, one of the most difficult problems confronting the Office in recent years had been the diminishing availability of asylum even on a temporary basis. The costs of hosting a large number of refugees were often immeasurable; it was therefore the responsibility of the international community to give greater attention to the concerns of affected host countries. Japan for its part had responded to the incidents in the Great Lakes region by extending assistance to affected neighbouring countries and would continue that policy.

20. Ms. WILSON (New Zealand) expressed her Government's condolences to the Government and people of Israel on the occasion of the death of the Prime Minister, Mr. Rabin.

21. She said that the occurrence of major humanitarian emergencies in recent years, such as massive outflows of refugees and displaced persons and continuing conflict situations, had repeatedly increased the demands on UNHCR, donors and host countries. While the international community and UNHCR had often been obliged to respond to crises as they arose, the latter had also adopted the strategic approach of promoting lasting solutions and seeking to prevent problems before they arose.

22. It had also undertaken innovative work on key components of its refugee operations, for example, in the new guidelines on preventing and responding to sexual violence against refugees, as part of its focus on protection and assistance to refugee women.

23. Her Government noted the new guidelines that had been developed to ensure that environmental principles were built into refugee operations from the outset and believed that they would be welcomed by countries hosting large populations of refugees, particularly in ecologically fragile areas. The enormous burden on such States must be acknowledged and her Government particularly wished to acknowledge the contribution of many developing countries of Africa.

24. With regard to the Great Lakes region, her Government urged the countries concerned to cooperate with the new International Tribunal for Rwanda. Justice for the perpetrators of genocide would be crucial in seeing that region recover from its troubles.

25. In cases of "asylum fatigue" on the part of the people or Government of a host country due to the enormous demands of large-scale refugee problems, the

international community should share the burden of assisting refugee and humanitarian operations. Respect for the fundamental principles of the protection system contained in the 1951 Convention on the Status of Refugees and its 1967 Protocol and for UNHCR guidelines continued to be essential to secure the rights of refugees and displaced persons and to ensure their human treatment.

26. Respect for international protection standards and international law remained critical for the displaced populations of the former Yugoslavia. Along with the rest of the international community, her Government had been appalled by the callous treatment of vulnerable groups in that area and continued to be concerned about the fate of missing persons within the territory of the former Yugoslavia and the indications that mass executions might have taken place. Now that a peace settlement seemed possible, her Government endorsed the view that UNHCR should continue in its role as coordinator of humanitarian assistance and agreed with UNHCR that careful planning was required to ensure a phased and coordinated programme for the return of refugees and displaced persons in safety and dignity.

27. There was still a danger that UNHCR might become overburdened by its commitments. The Inter-Agency Standing Committee established by General Assembly resolution 46/182 and the Department of Humanitarian Affairs could play a key role in humanitarian coordination and should do so if UNHCR was not to be over-stretched. The New Zealand Government reiterated its commitment to the protection and humanitarian assistance mandate of UNHCR.

28. Mr. TESSEMA (Ethiopia) expressed his Government's condolences to the Government and people of Israel on the occasion of the death of the Prime Minister, Mr. Rabin.

29. A new aspect of the refugee problem was the resurgence of violence and the difficulty of ensuring the protection of refugees. A further serious concern was the declining support for the general conception of asylum under the 1951 Convention and its 1967 Protocol.

30. In that regard, recent cases of the forced repatriation of refugees had occurred, mainly owing to frustration over lack of progress in the process behind it. Although that frustration was understandable, international agreements should also be observed, and the international community should weigh willingness to assist refugees against pressures created by a sudden mass influx in asylum-providing nations. The latter were among the least developed nations, where an emergency situation on such an enormous scale placed pressure on their environment, infrastructure and resources.

31. Efforts being made by the countries of the region, the Organization of African Unity and UNHCR had included a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region of Africa in February 1995 which had addressed the problem of the large number of displaced persons in the region both from the humanitarian perspective as well as in an economic, social and political context. It had drawn up a plan of action focusing on voluntary repatriation as the best durable solution and underscoring the role of the countries of origin, those providing asylum and the

international donor community. The conference had attempted to identify the root causes of the refugee crisis in the region; it should be emphasized that the follow-up of the plan of action was vital for easing the suffering of refugees. More than ever, the international community must broaden its assistance in conjunction with the countries of origin and those providing asylum. Above all, there was a pressing need to establish a proper link between relief, rehabilitation, recovery and development.

32. All efforts to find durable solutions must address the root causes; there had been little progress in that respect. It was also important to address the problem of the vulnerable groups, notably women and children, who currently constituted 80 per cent of all refugees; their protection should be an integral part of any strategy.

33. In the Horn of Africa, the plight of Somali refugees was still at a critical stage. The international community must not withdraw assistance because of the prevailing situation in Somalia. Similarly, in West Africa, Liberia still needed support in rehabilitating the large number of refugees returning to their places of origin following the restoration of peace.

34. Ethiopia was currently hosting nearly half a million refugees of whom 83 per cent were Somalis, whose numbers were still rising. On the other hand, between 1991 and 1995 nearly one million Ethiopian refugees had been voluntarily repatriated from neighbouring countries. However, they faced a lack of health services, drinking water and roads in the aftermath of the long-running civil war. The efforts of UNHCR and the Ethiopian Government tended to be inadequate, particularly with regard to making returnees self-reliant. His Government called on the relevant United Nations agencies to coordinate their refugee activities with those of UNHCR.

35. The problem of refugees could be prevented if its root causes were well understood and measures drawn up to address its political, economic and social aspects as part of a broader process of economic development and social reconciliation. Within the United Nations, the efforts of UNHCR should be provided with adequate support and its activities complemented by strengthening coordination with the activities of other United Nations agencies. It was only through a coordinated effort that assistance to and repatriation of refugees and the pursuit of national rehabilitation and reconstruction could be realized.

AGENDA ITEM 106: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)
(A/C.3/50/L.15)

36. Mr. BUSACCA (Italy), introducing draft resolution A/C.3/50/L.15 on behalf of the original sponsors and Antigua, and Barbuda, Canada, Cape Verde, Germany and Greece, said that recent trends in transnational crime and in the means of upgrading the ability of national law-enforcement agencies and legal systems to combat them had given rise to a number of United Nations activities over a short period of time, in addition to the regular functioning of the Commission on Crime Prevention and Criminal Justice.

37. The main purpose of the draft resolution was to support the Secretary-General's proposals for a modest strengthening of the United Nations operative

structure in the field of crime prevention and criminal justice. Those proposals were realistic and took into account the difficult financial predicament of the Organization. Several points had also been modified in the draft resolution, in line with proposals made by concerned delegations.

38. The decisions that the General Assembly would take at its current session would have a significant bearing on the scope of the United Nations crime prevention programme in the coming years. With that consideration in mind, the sponsors hoped that, as in previous years, the draft resolution could be adopted by consensus.

AGENDA ITEM 108: INTERNATIONAL DRUG CONTROL (continued) (A/C.3/50/L.14)

39. Mrs. RAMÍREZ (Mexico) introduced draft resolution A/C.3/50/L.14 on behalf of the original sponsors and Cape Verde, Greece, Mauritania, Micronesia (Federated States of), Pakistan, Peru and Tunisia. The draft resolution, like previous ones on drug control, reflected the spirit of cooperation and was the result of intense negotiations. It was hoped that the draft resolution would be adopted by consensus.

The meeting rose at 11.55 a.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
20th meeting
held on
Tuesday, 7 November 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 20th MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 109: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/50/3, A/50/12, A/50/413, A/50/414, A/50/275-S/1995/555 and A/50/555)

The meeting was suspended at 10.25 a.m. and resumed at 10.40 a.m.

1. Mr. FERNANDEZ (Spain), speaking on behalf of the European Union and also Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia, welcomed the results of the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region of Africa, held in Bujumbura in February 1995. Nevertheless, most of the provisions of the plan of action adopted at that conference had still not been implemented. He therefore called on all States concerned to fulfil their commitments and remove all obstacles to repatriation of Rwandese and Burundian refugees.

2. Noting that there appeared to be a possibility for ending the war in former Yugoslavia, he stressed the importance of the role played by the Office of the United Nations High Commissioner for Refugees (UNHCR) as the humanitarian lead agency, as well as the valuable work of the International Committee of the Red Cross (ICRC) and other humanitarian and non-governmental organizations. When hostilities came to an end, the European Union would continue to support UNHCR, which should remain responsible for humanitarian operations within the structures to be established. The United Nations Protection Force (UNPROFOR), with a major European contribution, had also played a key role in facilitating the delivery of humanitarian assistance to and protection of the civilian population. Major contributions had also been made by the European Community Humanitarian Office. To ensure stability, the peace settlement should include provisions on humanitarian and human rights issues.

3. The European Union believed that international protection remained the central pillar of the mandate of UNHCR, and called on all States parties to implement fully the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; States that had not ratified and acceded to it should do so. He noted with appreciation the UNHCR Note on International Protection, which focused on protection needs in situations of mass influx and addressed the multiple aspects involved in ensuring international protection to those persons who lacked protection from their country of origin.

4. The European Union also wished to stress the need to strengthen the protection of persons in refugee situations who were not protected under the 1951 Convention or its 1967 Protocol. It supported UNHCR in its efforts to explore further measures to ensure international protection for all who needed it, consistent with the fundamental principles set forth in international instruments. At the same time, it fully recognized the importance of regional approaches to specific protection needs.

5. The European Union appreciated the work of the Secretariat in the preparations for the regional conference on refugees and other migrants in the

countries of the Commonwealth of Independent States (CIS) and relevant neighbouring States. It welcomed the cooperation between UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE) and would continue to support that intergovernmental process.

6. As to the effect of mass displacements on children, youth, women and the elderly, he said that the European Union welcomed the progress made thus far, and commended UNHCR for its efforts to strengthen its capacity to meet their emergency and longer-term needs.

7. Stressing the importance of preventing situations that could trigger refugee flows, he called for long-term political action by the entire international community. All agencies concerned should integrate their activities into a comprehensive approach, including action in the field of early warning and prevention.

8. The European Union noted with appreciation that UNHCR had been strengthening its cooperation with the various human rights bodies of the United Nations, particularly the Centre for Human Rights. It was encouraging to note that the Commission on Human Rights had been dealing with issues of direct relevance to the work of UNHCR. The European Union remained concerned about the protection of internally displaced persons, and appealed to all parties involved to fully respect human rights and strictly adhere to the principles of international humanitarian law.

9. Referring to the question of repatriation, he stressed the need for a general political framework to stabilize internal peace and security. Countries of origin held the primary responsibility for establishing conditions that would allow for voluntary repatriation in safety and dignity. Political reconciliation must, however, be complemented by social and economic consolidation within the continuum from relief to rehabilitation. Where the main focus of a support programme shifted from repatriation to development, States could no longer expect UNHCR to do the job alone. Other agencies would have to take over the functions of lead agency. The European Union thus supported the efforts of UNHCR, development agencies, the World Bank and the regional development banks to explore possibilities for improved coordination.

10. The European Union supported the activities of UNHCR in behalf of stateless persons, and encouraged it to continue working to increase protection for stateless persons or persons facing the risk of becoming stateless as a result of the dissolution of States. UNHCR should also continue its prevention-related measures. The countries on whose behalf he was speaking considered asylum indispensable, and called upon all States to safeguard the right to seek and enjoy in other countries asylum from persecution. The effort being made to strengthen collaboration between UNHCR and the non-governmental organizations concerned with humanitarian assistance was also commendable.

11. The European Union welcomed recent decisions by the Executive Committee of UNHCR to streamline the working methods of the governing bodies, as well as the outcome of the informal consultations on budgetary issues. It looked forward to a speedy implementation of the reforms, and drew attention to the fact that

recent United Nations reports relating to oversight had highlighted a number of administrative and managerial challenges facing UNHCR, including its relations with its implementing partners. He noted with satisfaction that the Executive Committee and UNHCR had taken steps to address those issues as a matter of priority, including steps aimed at improving the accountability of non-governmental organizations working as UNHCR implementing partners. The discussions on the budget structure had also been very useful in promoting understanding of the concerns of donors, recipients and UNHCR. It was to be hoped that the changes to the budget structure would provide the High Commissioner with the flexibility to respond effectively and quickly to all operational needs, while meeting the requirements for full transparency and accountability.

12. The European Union, through its member States and the European Commission, was the most important donor to UNHCR programmes. Whereas it would continue to provide substantial support, it nevertheless wished to stress the importance of broadening the donor base and of a better sharing of financial burdens, which had not yet been achieved to a satisfactory extent.

13. Mrs. KOVALSKA (Ukraine) drew attention to the dangers inherent in humanitarian assistance activities, and urged Member States to ratify or accede to the Convention on the Safety of United Nations and Associated Personnel (General Assembly resolution 49/59, annex), which had been adopted as the result of an initiative presented by her country.

14. Owing to its comparatively stable political and economic situation, Ukraine had become a place of asylum for thousands of persons from "hot spots" of the former USSR. Economic constraints, however, had delayed the establishment of a migration service in Ukraine. In addition to refugees from newly independent States, there had also been an increase in the number of persons arriving from the Middle East, South-East Asia and Africa. Many had arrived in Ukraine illegally with a view to moving on to countries in Western Europe. That influx had disrupted border controls and increased criminal activity. Moreover, Ukraine was facing considerable difficulty in handling problems it had inherited from the past, relating to massive violations of human rights. For decades, hundreds of thousands of people had been deported from Ukraine. Their return had raised a whole range of problems requiring immediate solution. The situation was further aggravated by the fact that Ukraine was the only successor State of the former Soviet Union that was trying to solve the problem. The 1992 CIS agreement on problems relating to deported persons had not entered into force, inasmuch as it had only been ratified by Ukraine.

15. The need to relocate a large number of people from the area affected by the Chernobyl disaster remained a major problem for Ukraine. The total number of relocated families only slightly exceeded 10 per cent of the targeted figure. Although a legal basis for migration policy had been established in Ukraine over the past few years, much remained to be done in order to ensure implementation of the legal acts and decisions adopted. Financial constraints, staff shortages and the lack of adequate equipment were hampering the process. Furthermore, the legal status of the border areas had not yet been fully clarified. Another problem was the lack of bilateral and multilateral cooperation. Ukraine had

negotiated migration issues with a number of newly independent States, but none of the agreements had been signed to date.

16. Her delegation wished to underline the importance and timeliness of the efforts of UNHCR, IOM and OSCE in preparation for the regional conference involving the countries of the CIS and neighbouring States. Ukraine was participating in the preparations, which should be kept apolitical. The final documents of the conference would serve as a basis for concluding bilateral and multilateral agreements on issues such as control of migration, cooperation in receiving and settling refugees and protection of national minorities. Implementation of the programme of action should be closely monitored by the relevant international bodies. Her Government did not believe that the creation of subregional structures, including financial ones, to deal with migration issues would contribute much to cooperation in that field. Subregional migration problems went far beyond the CIS region.

17. In view of the success of the work done by the OSCE High Commissioner for Minorities, consideration should be given to the idea of establishing a post of OSCE high commissioner for migration.

18. The opening of the UNHCR Mission in Ukraine would promote cooperation in solving the complex problems her country was facing, and would help create the necessary conditions for Ukraine to accede to the 1951 Convention relating to the Status of Refugees.

19. Mr. AGGREY (Ghana) said that his delegation attached particular importance to the problems of internally displaced persons. It was encouraging to note that, although the mandate of UNHCR did not extend to such persons, it had increasingly addressed that problem. It would be easier and more cost-effective for UNHCR to adopt a preventive approach in order to reach desperate people within their own borders rather than waiting until they crossed international frontiers. It should be borne in mind, however, that neither UNHCR nor any other body should be allowed to use such efforts as a pretext to prevent people from reaching zones of safety outside their national borders in the event of life-threatening situations.

20. His delegation was concerned about the growing tendency on the part of certain States and people to close their doors to refugees in desperate need of asylum. The 1951 Convention and its 1967 Protocol specifically protected the right of refugees to seek asylum and not to be forcibly returned to their country of origin.

21. Although his Government understood the concerns of some countries that had received a heavy influx of immigrants, it believed that all asylum-seekers needed to have access to a legal system that would allow them to present their claims to refugee status. It should be possible for receiving countries to examine objectively the reasons given by immigrants when claiming a "well-founded fear of persecution". He shared the view of UNHCR that the preferred response would be for affected Governments to adopt legislation and measures to streamline status-determination procedures, shorten their duration, and distinguish at an early stage between founded and manifestly unfounded applicants, instead of closing the door to all.

22. His delegation was also concerned about the scale and complexity of recent refugee problems all over the world. Gross violations of the human rights of the affected populations, as witnessed in the territories of the former Yugoslavia, the Caucasus and the Great Lakes region of Africa, had strained the ability of UNHCR to cope with the problems involved. His delegation was also concerned about the problem of funding of UNHCR operations. The overall level of contributions to UNHCR for 1995 was still far short of its total budget. Relying on voluntary contributions did not always yield steady financial flows. Moreover, silent emergencies were often ignored; funding of UNHCR programmes should not be held hostage to grotesque publicity, as had been the case recently with the emergency in Rwanda. His delegation therefore supported the High Commissioner's appeal to the effect that, at a time when development assistance was shrinking and humanitarian needs were expanding, some sort of "third window" for financing emergency activities was required. The resources channelled into such a fund could be used for both humanitarian and development concerns, thus ensuring a predictable flow of resources for immediate rehabilitation and longer-term developmental needs.

23. Lastly, his delegation underscored the need to devise innovative emergency assistance "packages" to meet new challenges as they arose and stressed the importance of addressing the root causes of mass exoduses and maintaining the continuum of emergency relief, humanitarian assistance, rehabilitation and development in order to find a lasting solution to the problem of refugees.

24. Mr. PANG Sen (China) expressed his delegation's profound shock concerning the assassination of Prime Minister Yitzhak Rabin of Israel. He condemned that terrorist act and sincerely hoped that the Middle East peace process would, nevertheless, continue to move forward.

25. Turning to the problem of refugees, he noted that the irrational international economic system, the reverse flow of financial resources, the brain drain and enormous debt burdens had caused economic stagnation in many developing countries. With the end of the cold war, some developed countries sought to impose their ideologies, values, political systems and development models on the developing countries. To that end, political conditions were attached to trade and assistance. Under the pretext of promoting self-determination, some forces supported separatist activities and intervened in the internal affairs of other countries, causing political turmoil, ethnic conflict, war and large flows of refugees. Those factors were the fundamental causes of the refugee problem.

26. In order to bring about a lasting solution, it was necessary to observe strictly the Charter of the United Nations, oppose hegemonism, establish a just and rational international economic system to promote the economic development of all countries, and respect the right to self-determination, enabling all countries to choose their own political, economic and social systems.

27. Over the past year, UNHCR had done a great deal to protect and assist refugees. The refugee situation in Central America had been resolved. His Government, in its efforts to settle and assist the 280,000 Indo-Chinese refugees in China, had received valuable support from the Office, for which it expressed appreciation. China would continue to support the work of UNHCR and

was ready to join in the efforts of the international community to eliminate the root causes of the refugee problem.

28. Mrs. KABA CAMARA (Côte d'Ivoire) underscored the tragic situation of unaccompanied refugee and displaced children, who were the main victims of the civil and tribal wars that caused population movements. The host countries in Africa were confronted with mounting social and economic difficulties, the deterioration of infrastructures and the environment and a heavy financial burden resulting from reduced assistance by the international community. Ensuring security in refugee camps, particularly that of unaccompanied minors children and women, was an acute problem. Greater protection and more effective food distribution were essential. To that end, UNHCR should consider measures for increasing the number of women working in the refugee camps.

29. The general refugee situation in Africa had stabilized to a certain extent, encouraging voluntary repatriation of refugees in Ethiopia, Eritrea, Djibouti, Chad, Togo and Mali. Additional efforts must be made to consolidate peace, rebuild infrastructures and provide means for subsistence. Her country, which had received 120,000 additional refugees following the resumption of hostilities in Liberia in September 1994, was glad to see that the situation was stabilizing in that country.

30. Côte d'Ivoire noted with interest the preparations for convening a CIS regional conference. That integrated approach to solving refugee problems within a regional framework should be encouraged. UNHCR could draw conclusions from the results of that conference and apply them to similar situations in other regions of the world.

31. Mrs. GUSTAVA (Mozambique) said that the current refugee crisis called for concerted efforts and new measures and strategies in order to achieve lasting solutions. The increasing number of displaced persons and refugees in developing countries imposed a heavy economic burden. The plight of refugees and displaced persons in Africa was cause for serious concern, with nearly 8 million refugees and 5 million internally displaced persons living in appalling conditions. In addition to mobilizing humanitarian assistance, there was a need for an overall commitment to eradicate the root causes of refugee problems in the world. Particular attention should be given to environmental degradation and natural disasters, which were also factors causing population movements.

32. Mozambique appreciated the excellent work being carried out by UNHCR and called upon the international community to provide all the means to enable the Office to implement its programmes. The favourable conditions resulting from the climate of peace in Mozambique had led to the return of more than 1.5 million refugees. The repatriation, coordinated jointly by UNHCR, Mozambique and the countries of asylum, had been carried out smoothly.

33. Mozambique attached high priority to the resettlement and reintegration of refugees, displaced persons and demobilized soldiers. The Government was working closely with the international community to rehabilitate economic and social infrastructures with a view to normalizing living conditions and consolidating peace and stability. The presence of land-mines, however, still

impeded the large-scale resumption of agricultural activities and the free movement of persons in the areas affected by war. Accordingly, her delegation once again appealed to the international community to provide further support to complete mine clearance in Mozambique.

34. Mrs. KALAJDZISALIHOVIĆ (Bosnia and Herzegovina) said that, since the beginning of the aggression against her country, the civilian population had suffered the heaviest toll. More than 200,000 Bosnians had been killed and 60 per cent of the original population had been brutally forced to leave their homes by the forces of the Pale regime supported by Serbia. More than 1,250,000 persons from Bosnia and Herzegovina had taken refuge in more than 100 countries throughout the world. A large number of them were still in receiving centres, which were usually isolated and lacked adequate services. There were 850,000 internally displaced persons in the territory of Bosnia and Herzegovina. Ten per cent of them were living in collective centres under very difficult conditions.

35. The fall of the so-called United Nations safe areas in Srebrenica and Žepa was one of the most recent tragedies to take place in her country. Thus far, 37,000 of the persons expelled had reached the territory controlled by the Federation of Bosnia and Herzegovina. Their physical and psychological state was very vulnerable following the onslaught and the massacres. In spite of the insistence of humanitarian and human rights organizations, the Pale Serbs had refused to provide access to or information on 8,000 men, who were feared dead. The international community must take steps to bring those responsible for the atrocities before the International Criminal Tribunal for the Former Yugoslavia.

36. At the same time, a new wave of ethnic cleansing had intensified in the region of Banja Luka and other areas in north-western Bosnia. More than 20,000 Bosniacs and Croats had been brutally expelled. Men had been separated and taken to unknown destinations. It was feared that there would be a repetition of the genocide that had occurred in Srebrenica and Žepa. Immediate action must be taken to bring about the immediate release of all those detained in order to guarantee the success of the current negotiations. Peace could not be negotiated when innocent civilians continued to be victims of genocide and ethnic cleansing.

37. In the past 20 months, more than 20 per cent of the territory of Bosnia and Herzegovina had been liberated, thus creating the preconditions for the return of refugees and displaced persons. Her Government had recently signed an agreement with the Government of Croatia on the reciprocal return of 400 families to areas in the territory controlled by the Federation.

38. Bosnia and Herzegovina had taken steps to adapt its domestic legislation to facilitate the return of refugees and internally displaced persons. Broad cooperation had begun with host countries and international and humanitarian organizations. Plans had been drawn up for the construction of new housing and the necessary infrastructure. Her Government appealed for assistance in creating conditions for the safe, organized return of refugees and displaced persons and their reintegration.

39. Their return was essential to any future peace agreement and would demonstrate respect for human rights, the rule of law and democratic values. Those who had committed war crimes must not remain in positions of power and must be held responsible for their crimes before the International Tribunal. Otherwise, there would be no safe environment for democracy and freedom. The key was to ensure the return of the refugees and displaced persons to their homes in the very near future.

40. Mr. Kwang-Jae LEE (Republic of Korea) said that the past year had seen a marked deterioration in the international refugee situation due to the proliferation of ethnic and religious conflicts around the world. With numbers of world refugees currently at 27 million, the threat not only to the peace and stability of the regions concerned but to the world at large continued to increase.

41. A paramount goal in the national prevention and preparedness strategies advocated by UNHCR was to pre-empt situations that generated refugees by a rapid reaction to emergencies and stronger preventive diplomacy and mediation efforts. Such a strategy also called for effective interventions by UNHCR and partnerships with other United Nations agencies.

42. Safeguarding the well-being of civilians and combating intolerance against minority groups by safeguarding human rights standards was imperative. Within that context, women and children had their own protection needs. His delegation wished to emphasize the importance of the part of the draft Platform for Action of the Fourth World Conference on Women (Beijing, September 1995) that concerned conflict resolution and the impact of conflict on women.

43. Another key strategy was legal deterrence; his delegation strongly supported the establishment of an international criminal court for human rights violators.

44. His delegation also wished to underscore the significance of a "continuum from relief to development", which, according to the High Commissioner's report (A/50/12, para. 77), should enable humanitarian assistance to facilitate viable reintegration of displaced persons into a process of social and economic recovery. Such a strategy, however, could not succeed without the strong support of Governments and a closer coordination with United Nations agencies, international financial institutions and the relevant non-governmental organizations.

45. The prominent role which the latter had played in refugee relief services should not be overlooked. Their contributions reinforced the role of the United Nations and individual Governments whose efforts alone might not be adequate. In the Republic of Korea, for example, they had raised $1.3 million in cash and donations in kind for the refugees in Rwanda.

46. As in the cases of Mozambique, Afghanistan and Myanmar, solutions to complex emergencies required that humanitarian activities should be complemented by the political will to resolve conflicts and by development efforts to ensure a sustainable livelihood. A central element of that approach was the

maintenance of close collaboration with United Nations peace-keeping initiatives.

47. Lastly, his Government believed that the principal role of UNHCR should be enhanced, and supported the proposal to create a new post of assistant high commissioner for policy, planning and operations, while it also considered that the structure of the Executive Committee should be addressed within the context of overall United Nations reform.

48. His Government remained committed to the programmes and priorities advocated by UNHCR and had decided to increase its voluntary contribution to the Office.

49. Mr. TELLES RIBEIRO (Brazil) said that the realities of the contemporary international scene showed that the vast majority of refugees were individuals fleeing from situations of open violence within and between States. The dimensions of the problem of some 27 million refugees had tested not only the institutional and financial capacity of the mechanisms of international action, but also the humanitarian foundation upon which international cooperation in that area was based.

50. As the Secretary-General had pointed out in his report (A/50/414), the activities of UNHCR had increasingly taken on a preventive nature, stressing measures in countries of origin as opposed to an approach which sought to tackle the problem through protection and assistance after the fact. Prevention and the capacity to solve problems should continue to be the mainstay of those activities, while the international community should provide UNHCR with the capacity to intervene in refugee crisis situations and with better conditions to help the integration of refugees into receiving countries, and at the same time should support UNHCR voluntary repatriation programmes.

51. The complex nature of the refugee problem demanded more than sectoral and temporary measures to address an issue that had its origins in the legacy of colonial occupation, nationality conflicts, leftovers from the East-West confrontation and the unbalanced character of the international economic system.

52. His Government supported strong action by the international community to tackle the basic causes of the refugee problem. There was a need to address the underlying political, social and economic factors which might influence the response of States to refugee influxes and internal displacements as well as to find appropriate structural solutions for problems of development and poverty. It was also important to strengthen the existing legal regime, which might include working towards a declaration of non-binding guiding principles.

53. The international community must continue to act out of solidarity. There was a need to uphold international commitment to the institution of asylum and the principle of non-refoulement. Brazil for its part had been receiving a growing number of refugees from different areas of the world. The importance of the cooperation between the Brazilian Government and non-governmental organizations needed to be underlined, in particular the valuable work of the International Confederation of Catholic Charities (CARITAS) in Brazil. Besides providing medical assistance and social security benefits, the Government

granted entry visas, identity papers and work permits while UNHCR and CARITAS cooperated with offers of emergency financial assistance and the identification of job opportunities.

54. Mr. PEDERSEN (Observer for the International Federation of Red Cross and Red Crescent Societies) said that about 100 Red Cross and Red Crescent Societies around the world were currently involved in humanitarian work and advocacy for refugees, asylum-seekers, displaced persons and returnees. The International Federation provided one of the few comprehensive structures that directly linked beneficiaries with donors. It had a long-standing collaboration with UNHCR which it intended to continue in order to utilize collective resources in the most efficient way. Within that context, however, the International Federation, on the basis of its fundamental principles which included neutrality and impartiality, would need to maintain its independence of action.

55. The operations in the Great Lakes region and the plight of refugees in and around Rwanda had been of great concern to the International Federation. The recent decision to initiate the programme of safe return to Rwanda of refugees from Zaire must ensure the safety of the people and implementation at a pace which would enable the Rwandan authorities to receive them. The current exceptional situation must not, however, become a standard for future repatriation programmes.

56. The peace process in the former Yugoslavia must not be undermined by the untimely movement and return of populations. The International Federation endorsed the cautious strategy of UNHCR with regard to repatriation, in particular the concept of first repatriating people from surrounding countries to areas that were safe to receive them.

57. The International Federation welcomed the High Commissioner's efforts to strengthen the ability of the Office to respond to the needs of refugee women and children, an area of particular concern to it. The approach of UNHCR to protection was wide-ranging and incorporated the link between protection and assistance, and going further to include some root causes. Protection issues also needed to be linked to durable solutions.

58. Another important issue was that of anti-personnel land-mines, which continued to pose a real threat to safe return and rehabilitation. The Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held recently in Vienna, had failed to agree on how to strengthen Protocol II on Land-mines. The International Federation hoped that the issue would be taken up again in 1996.

59. Of increasing concern to the International Federation was the duration of many refugee assistance programmes, including those in Malawi, Afghanistan and Pakistan and in the countries surrounding Rwanda. Considerable resources were tied into servicing such programmes; a more enlightened form of humanitarian funding was needed for relief and welfare activities on an appropriate time-frame basis.

60. Mr. BOREL (Observer for the International Committee of the Red Cross (ICRC)) said that, when a conflict was on the point of ending or when political negotiations had been initiated, the first concern of ICRC was to obtain the names of all detainees and access to them and then actively search for all missing persons.

61. In its activities, ICRC took account of longer-term rehabilitation requirements, but was faced with the additional problem of the repatriation and return of refugees. A cease-fire did not create the necessary conditions for a safe return; hasty decisions could revive tension. Mechanisms needed to be established for the recovery of property and fair compensation for returnees, while returns must be on a voluntary basis and be phased over time.

62. The issue of anti-personnel land-mines was vital in that context and it was regrettable that the Vienna Review Conference had not achieved tangible results.

63. For ICRC, protection meant compliance with the rules of international humanitarian law as embodied in the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, with their particular concern for the civilian population. Protection and assistance went together if the integrity of the victims of armed conflicts was to be ensured. Humanitarian action must be neutral, impartial and independent and perceived as such; the events of 1995 in the former Yugoslavia and Rwanda, however, had revealed that protection needed to be more clearly defined.

64. A better division of the work would ensure that protection was not diminished as a result of the duplication of activities. The mandates of the various humanitarian bodies, which were based on different legal systems, required a clarification of the concept and coordination of action. Protection did not depend solely on the humanitarian agencies; it was based on the political will of States to comply with international law and thus prevent the displacement of populations. Consideration of that issue would shortly be continuing at the Twenty-Sixth Conference of the International Red Cross in December 1995, which would be attended, inter alia, by representatives of the 186 States parties to the Geneva Conventions of 1949.

The meeting rose at 12.30 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
21st meeting
held on
Wednesday, 8 November 1995
at 3 p.m.
New York

SUMMARY RECORD OF THE 21st MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 109: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/50/3, 12 and Add.1, 413, 414, 555, A/50/275-S/1995/555)

1. Mr. WALDEN (Israel) observed that the existence of 28 million refugees, displaced persons and returnees in the world showed the inability of the international community to meet the expectations embodied for the past 50 years in the Charter. When conflict resolution failed, the need arose for humanitarian intervention to minimize the ensuing human disaster. The activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) played a central role in the spectrum of humanitarian assistance afforded by the international community, alongside the efforts of such bodies as the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM) and many non-governmental organizations.

2. Israel had a high regard for the way in which UNHCR had grappled with the immense problems posed by the conflicts that had risen in Africa and in the former Yugoslavia, and in other regions, despite the limited resources available and the dangers to which its emissaries had been exposed. While the situation in Burundi and Rwanda remained an immediate challenge, developments in Mozambique, Angola and Liberia were encouraging. Where the former Yugoslavia was concerned, recent developments justified a degree of cautious optimism about resolving the conflict. Regarding the three different strategies of "preparedness", "prevention" and "solutions", his delegation held that UNHCR could make a contribution above all in the areas of preparedness, namely, the ability to respond rapidly to emergencies, and of solutions, namely, finding durable solutions to refugee flows. The area of prevention, namely, tackling the root causes of conflict, went well beyond the scope of UNHCR.

3. Certainly, the 1951 Convention relating to the status of refugees must continue to play a key role in resolving the refugee problem. At the same time, the work of UNHCR must not be hampered by excessive stress on formal distinctions between refugees, internally displaced persons, migrants and others, which were bound to distort the reality of masses of people rendered homeless as a result of conflicts in which they had played the merely passive role of victim. In the case of the former Yugoslavia, UNHCR had been providing assistance to the categories of refugees mentioned but also to those under direct threat of expulsion or "ethnic cleansing". A more realistic and adequate categorization was required to facilitate the Office's operations. Moreover, special attention needed to be given to vulnerable subgroups. For that reason, Israel welcomed the report of the Secretary-General on assistance to unaccompanied refugee minors (A/50/555), as well as the collaboration of UNHCR with the United Nations Children's Fund (UNICEF), ICRC, non-governmental organizations and Governments in dealing with that problem. Similar special attention should be paid to the problems of refugee women.

4. The State of Israel had since its establishment absorbed more than 2.5 million immigrants from all over the world. Its experience in absorption techniques, including the establishment of absorption centres, residential and

educational facilities, financial assistance, free medical care and the like could be of value to all countries and intergovernmental organizations confronting problems of large-scale immigrant absorption. Israel was willing to place at the disposal of the international community its experience in the training of skilled personnel to handle the absorption of immigrants like the programmes operated by its Ministry of Immigration and Absorption, as well as in the establishment of communication centres to coordinate the work of agencies involved in assistance to immigrants and of research centres on immigration issues.

5. Ms. BURROWS (Canada) noted that UNHCR had called upon all States to uphold asylum as the key instrument of refugee protection, and to resist, despite continuing crises, the erosion of the principles on which protection was based. The basis of the international refugee protection system continued to be the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Yet it was evident that the idea of protection required constant reinterpretation as individuals and entire populations found themselves in jeopardy. UNHCR was playing a vital leadership role in identifying the limitations of the system of international protection and searching for new ways of providing protection to all who needed it. Canada welcomed the Executive Committee's request that UNHCR should organize informal consultations to develop guiding principles, drawing on fundamental protection principles found in existing international instruments.

6. With respect to the particular needs of refugee women, the Beijing Platform for Action produced by the Fourth World Conference on Women would inspire the Office's planning and the hope was that adequate resources would be allocated for activities in that area. The Executive Committee had, at Canada's suggestion, called upon the High Commissioner to promote and support national efforts to put into practice the principle that women's rights were human rights and that sexual violence and other gender-related persecution could be grounds for refugee status under the 1951 Convention and 1967 Protocol.

7. In the area of refugee protection, Canada had had good experience with resettlement, an important instrument of protection and a durable solution in some circumstances. Resettlement must be given a proper and effective place in the international response to the refugee problem. Public confidence was needed to maintain generous asylum policies, and that in turn depended on the efficacy of the process of determining refugee status. Canada remained committed to ensuring that asylum procedures were focused on their primary purpose of identifying refugees entitled to receive protection under the terms of the Convention. It also supported the role of UNHCR in advising Governments on ways of formulating their citizenship laws so as to prevent the creation of stateless persons.

8. Canada further noted the High Commissioner's call for a new protection paradigm involving a more active promotion of the conditions allowing for the repatriation and reintegration of refugees as the only viable solution for the vast majority of them. His Government supported the comprehensive strategies adopted in various regions to help the countries concerned to meet their obligations to admit and protect refugees, prevent forcible displacement and provide for durable solutions through the safe return of their own citizens. It was necessary to improve the effectiveness of international institutions and to

institute major reforms to strengthen the coordination of international humanitarian assistance. Canada welcomed the Memorandum of Understanding signed between UNHCR and the World Food Programme (WFP) and one soon to be signed between UNHCR and UNICEF, because they were desirable means of coordination and the achievement of greater efficiency. Similarly, there should be cooperation in helping the Department of Humanitarian Affairs carry out its mandate.

9. Although many donor countries were suffering from fiscal constraints, Canada had been able to maintain its level of contributions to the general programmes of the Office of the United Nations High Commissioner for Refugees (UNHCR) at the same level as the previous year. But in a period of budget restrictions, all agencies, including UNHCR, must concentrate on achieving maximum efficiency and on streamlining and minimizing administrative budgets, while at the same time promoting accountability, performance and strategic planning, which were the bases of operational effectiveness. It was also important to achieve the most sound arrangements possible with implementing partners, who performed invaluable services for the international community. Canada suggested that the United Nations system should devise a common approach to establishing contractual relationships with non-governmental organizations.

10. Mr. KIRKLAND (United States of America) said that he recognized the need for political solutions in order to resolve humanitarian crises. In the case of one of the longest lasting and most complex humanitarian emergencies of the 1990s, that in the former Yugoslavia, the United States hoped that the talks held in Dayton, Ohio, would lead to political reconciliation between the parties and would initiate a new phase which would include the area of international activities. Displaced persons would be able to return to their home communities and, later, the refugees receiving temporary protection in Western Europe would be able to return, although further population movements would result from the redrawing of the map of Bosnia and Herzegovina. Resettlement in third countries would be the best solution for especially vulnerable people from the former Yugoslavia. The United States had pledged to provide resettlement in its territory for as many as 50 per cent of those considered by UNHCR to be in need. To date, his country had provided permanent resettlement for over 19,000 Bosnian refugees. During the last four years, the Office of the United Nations High Commissioner for Refugees had valiantly led the international humanitarian response to the crisis in the former Yugoslavia. The United States supported the Secretary-General's recommendation that UNHCR should retain its role as lead humanitarian agency in the period following the settlement of the conflict.

11. Every year, UNHCR worked to find lasting solutions, of which repatriation was the most effective if political circumstances permitted it. In that regard, the Government of the United States was gratified by the progress in Mali and Togo and, above all, the prospects for true peace in Liberia which would enable millions of displaced persons in Guinea, Côte d'Ivoire, Sierra Leone and Liberia itself to return to their homes. With regard to the Comprehensive Plan of Action for Indo-Chinese Refugees, which was in its final phase, the United States firmly believed that a voluntary return to their home communities was the only option for those remaining in camps in South-East Asia who did not qualify as refugees. After returning to Viet Nam, some might be able to emigrate abroad under the criteria established by individual countries. The United States was prepared to establish a new bilateral programme that would offer future

repatriates the opportunity to be interviewed in Viet Nam for possible resettlement in the United States. The Comprehensive Plan of Action set a major precedent in dealing with a crisis at the regional level, taking into account the interests of all affected Governments and of the refugees themselves and in accordance with international humanitarian principles.

12. In the Great Lakes region of central Africa, further progress must be made towards a regional solution, which must include the participation of all the affected countries. The United States had been encouraged by reports indicating that over 50,000 refugees had returned to Rwanda during the past few months and that UNHCR, the World Food Programme (WFP), non-governmental organizations and the Rwandan Government had offered their cooperation in preparing a repatriation plan for the refugees. With regard to the international conference on migration and refugee issues in the Commonwealth of Independent States which was being organized by UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE), the United States was very impressed by the thoroughness of the preparations and by the skill of the organizers in handling the complex problems of migration in the region and their sensitivity to political problems. His country hoped that the secretariat of the conference would continue its good work and would encourage the cooperation of knowledgeable non-governmental organizations and other independent groups, especially those in the States of the region.

13. The United States commended the work of the Office of the United Nations High Commissioner for Refugees and the Executive Director of WFP in seeking management reforms to increase the effectiveness, efficiency and seamlessness of programmes on the ground. The emergency preparedness measures adopted by WFP and UNHCR had made it possible to cope with the situation which had developed in August as a result of the expulsion of 200,000 Serbs from the Krajina area of the former Yugoslavia without any kind of emergency appeal. Given the importance of coordinating emergency responses, the effectiveness, efficiency and seamlessness of United Nations inter-agency operations should be used as guides to judging performance. The coordinated efforts of WFP and UNHCR would serve as a model in that regard.

14. With regard to the long series of international conferences on population, social issues and women, it was time to apply the energy which had been invested in preparing those global policies to practical cases. UNHCR had reason to be proud of its work in policy development on protection of refugee women and children and of its policy to examine the condition of the refugees themselves, using the resources, needs and desires of the refugees as guides in designing projects and to ensure that the most vulnerable among them had access to the necessary protection and assistance. UNHCR and the governmental and non-governmental organizations must now work to apply those policies world wide. With regard to the report on assistance to unaccompanied refugee minors (A/50/555), he said that the United States had always supported programmes to increase protection for unaccompanied refugee children and that it was pleased to note that the report mentioned the creation of a regional support unit for refugee children in the Great Lakes area. The United States had donated $650,000 to that project in 1995 and hoped that the same approach would be taken in the upcoming repatriations to Angola and Liberia.

15. With regard to refugee protection, the United States reaffirmed its support of UNHCR in its efforts to provide protection to those in need and appreciated the practical cooperation provided by UNHCR in the area of protection on the American continent. Furthermore, it encouraged UNHCR to work with Governments to develop guiding principles for the provision of protection to those who fell outside the bounds of the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. The issue of the resettlement of refugees, especially as a means of providing protection, was particularly important in the United States, where about 100,000 persons had been settled in the past year under the refugee admissions programme. His country viewed resettlement as an important component of the solution to the refugee problem and played a leadership role in that aspect of protection.

16. The United States paid homage to the work of the thousands of staff members of UNHCR and the non-governmental organizations, who worked tirelessly and under extreme conditions of insecurity and isolation to improve the living conditions of refugees. Their work benefited from the leadership of the High Commissioner, who had managed to retain a clear focus on the highest priorities of her office, namely, the protection and assistance of refugees, regardless of their political opinions, their location or their number.

17. Ms. TOMIČ (Slovenia) said that, throughout the previous year, large numbers of people yet again had required UNHCR assistance, thereby involving the organization in increasingly complex responsibilities. The fact that UNHCR had been required to deal with increasingly frequent emergency situations and large-scale repatriations demonstrated that, if a lasting solution was to be found, root causes of the refugee problem had to be addressed, whether they be armed conflict, economic and social deprivation or gross violations of human rights.

18. Therefore, UNHCR should continue to pursue its strategy of preparedness, prevention and solutions, and introduce "service-packages" as an effective response to large-scale emergencies, such as in the Great Lakes region of Africa. It was important that UNHCR activities should be coordinated with the rest of the United Nations system. Collaboration with United Nations human rights initiatives and mechanisms was becoming an increasingly important component of both preventive and solution-oriented efforts by UNHCR. The international tribunals established for the former Yugoslavia and Rwanda could also play an important role by sentencing the perpetrators of the crimes that had resulted in refugee flows, since punishing criminals would help to create the conditions for voluntary return of refugees to an environment of peace and reconciliation.

19. UNHCR preparedness had advanced significantly since 1991, and it had reached a high level in its capacity to meet emergencies. Voluntary repatriation was the ideal formula and the only viable long-term solution to the problems of refugees and displaced persons. UNHCR should play a significant role in reconciliation and rehabilitation of refugees who had returned to their homes. In cooperation with the relevant Governments, development agencies and financial institutions, it could ensure a meaningful "continuum from relief to development", thus linking humanitarian activities with programmes aimed at long-term development. That was also applicable to the ongoing efforts to achieve peace in Bosnia and Herzegovina and Croatia. In order to create a safe

environment for the voluntary return of refugees, any peace settlement would have to take into account political, humanitarian, reconstruction, development and human rights aspects.

20. Slovenia applauded the special attention devoted by UNHCR to the needs of refugee women and children and its increased attention to environmental concerns arising in refugee situations, seeking to integrate those specific needs into all phases of the UNHCR assistance cycle. Slovenia, which harboured 20,500 refugees, principally from Bosnia and Herzegovina, acknowledged the particular relevance of those priority concerns. Women and children represented an overwhelming majority of the refugee populations, and Slovenia had devoted particular attention to children as the most vulnerable group. Slovenia had drawn up and implemented a programme of psychological help for such children, with the intention of protecting their rights and helping them to overcome their traumatic experiences.

21. In the light of the increased UNHCR budget requirements, particularly for financing emergency situations, and taking the needs of refugees in Slovenia fully into account, the Government of Slovenia had undertaken an in-depth review of the provision of humanitarian aid to refugees in its territory. A formal announcement would shortly be made regarding the Slovenian Government's decision, with effect from January 1996, to request no further financial assistance from the United Nations system to meet the humanitarian needs of the refugees temporarily residing in Slovenia.

22. Mr. PASHAYEV (Azerbaijan) said that, although the refugee population had decreased by the end of 1994, the number of persons considered to be of concern to UNHCR had increased. Far from being random, positive changes in the dynamics of refugees, displaced persons and returnees corresponded primarily to the outstanding work of UNHCR. Azerbaijan, a country of 7.5 million inhabitants, with a total of more than a million refugees and displaced persons, and with 20 per cent of its territory under occupation following the aggression by the Republic of Armenia, had experienced considerable difficulties. In addition to the problems of the economic transition and consequent impoverishment of the population, the necessity of providing assistance for refugees and displaced persons had also given rise to a large number of problems.

23. The Government of Azerbaijan had adopted significant decrees and resolutions aimed at solving the problem of refugees and displaced persons, including the "Law on the status of refugees and displaced persons", adopted on 29 September 1990, under which the State undertook to meet the most urgent needs of refugees and displaced persons, providing them with employment and with education for their children, and ensuring that they enjoyed their full rights. A total of 650,000 internally displaced persons were currently in Azerbaijan and, as stated in the report of the United Nations High Commissioner for Refugees, most of those displaced persons were still living in make-shift shelters, railroad carriages and dugouts.

24. According to the National Report by the Republic of Azerbaijan to the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, over 200,000 refugees who had been forcibly deported from Armenia in 1988 had still not received compensation for damages suffered. That problem should be solved

without delay. The assistance rendered by international organizations was not enough to solve all the problems of refugees and displaced persons in Azerbaijan. Their labour was their principal means of survival. One problem of most refugees was that they were rural inhabitants who had been obliged to adapt to living and working in cities. By 1 January, 1995, only 91,591 people had been provided with jobs, including 43,890 women.

25. The UNHCR report drew attention to the fact that, during 1994 and the first quarter of 1995, the situation of large numbers of refugees had been resolved. Over 1.7 million refugees had returned to their country of origin, most notably to Mozambique, Afghanistan and Myanmar. Such positive developments were of great importance, since the dearest wish of a refugee or displaced person was to return home. Azerbaijan required the assistance of the relevant international legal protection organizations in solving the problem of compensation to be paid by Armenia for all forms of damage wrought in Azerbaijan. According to estimates of the Azerbaijan Statistics Committee losses resulting from the occupation totalled US$ 12.1 billion.

26. Solution of complex, refugee-producing emergencies required concerted efforts in which humanitarian activities were complemented by both political initiatives to resolve conflict and development efforts to ensure a sustainable livelihood for the most severely affected areas and people, demonstrating the importance of coordinating UNHCR activities with those of other United Nations bodies and organizations. One of the global tasks facing the United Nations on the eve of the twenty-first century was not only to adapt refugees and displaced persons to new living conditions, but also to make it possible for them to return to live in and rebuild their place of origin.

27. It was extremely important to analyse the internal displacement process, particularly in the area of the former Soviet Union. In Azerbaijan, the phenomenon of displaced persons had emerged as a result of foreign occupation. The history of humankind was rife with wars and aggressions, but people remaining in captured territories were not deprived of their means of survival. An extremely dangerous trend was emerging with the approach of the twenty-first century; local wars, particularly within the former Soviet Union, had led to ethnic cleansing and destruction of the economic, historical and cultural wealth of the occupied nation. In that context, Azerbaijan welcomed the fact that UNHCR had introduced a process to develop a comprehensive approach to the problems of refugees, returnees, displaced persons and migrants in the countries of the Commonwealth of Independent States (CIS) and affected neighbouring States. The convening of a conference devoted to such problems, in conformity with General Assembly resolution 49/173 of 23 December 1994, should be one of the priority activities of UNHCR.

28. The people and Government of Azerbaijan wished to express their gratitude to the Governments of all States and to the numerous intergovernmental and non-governmental organizations which had rendered their generous assistance to the innocent victims of Armenian aggression. They also wished to pay tribute to the difficult and often dangerous work that UNHCR performed throughout the world, and to the noble commitment of the High Commissioner and her staff.

29. Mr. TARAR (Pakistan) said that there continued to be floods of refugees and displaced persons suffering human rights violations; such situations had not been avoided despite the end of the cold war and had developed into humanitarian emergencies. In the previous five years many parts of the world had known genocide and massive exoduses of refugees through lack of preventive action. Although considerable progress had been made in the protection, repatriation and rehabilitation of refugees, the situation was still serious in many parts of the world. The decrease in the total number of refugees in the world had been offset by the increase in the number of internally displaced persons and by the millions of people who were the victims of armed conflict and required humanitarian assistance. Despite the unprecedented proliferation of situations producing refugees, the response of UNHCR had been effective, particularly in the implementation of the strategy of preparedness, prevention and solutions, in close cooperation with other bodies and agencies of the United Nations system. However, it was necessary to prevent situations which resulted in flows of refugees and to promote a culture of cooperation between the various agencies of the United Nations.

30. Important decisions had been taken at the forty-fifth session of the Executive Committee of the High Commissioner's Programme. The loss of lives in recent crises and the growing incidence of armed attacks, murders, rapes and other violations of fundamental rights and cases of refoulement continued to threaten the safety of refugees. Hundreds of thousands of people every year fled from situations of conflict and were persecuted during their flight and in the countries where they sought refuge. In that context, he welcomed the proposal of the Executive Committee to explore further measures to ensure international protection, so as to provide a pragmatic and flexible response to mass influx

31. Pakistan supported the efforts of UNHCR to ensure that asylum was granted to all those who needed it. In order to promote and protect the values of democracy and human rights, the international community should continue to preserve the principle of asylum and the procedures for granting it. In recent years, particularly in the emergencies in the former Yugoslavia and Rwanda, UNHCR had collaborated closely with human rights mechanisms. The increasing involvement of UNHCR in the work of the human rights treaty bodies would also help to promote and protect the rights of refugees. Pakistan fully supported the efforts of UNHCR to organize a conference to address the problems of refugees, returnees, displaced persons and migrants in the Commonwealth of Independent States and relevant neighbouring States.

32. Despite concerted efforts made by UNHCR to focus on women refugees, who along with children formed the bulk of the refugee population, their situation remained precarious. Pakistan welcomed the steps taken by UNHCR, particularly the creation of the new posts of regional advisers, in cooperation with the Special Rapporteur of the Commission on Human Rights on violence against women, and the proposed expansion of the people-oriented planning programme. Nevertheless, despite those achievements, recent independent reports had pointed out that women in refugee camps were not getting a sufficient amount of food. Women were reportedly suffering from malnutrition and faced exploitation and suffering, basically because food was distributed by men who did not properly understand the special needs of women refugees. The solution was to increase

the representation of women and the number of women in administrative posts. Similarly, orphaned children were still vulnerable, which made it essential to intervene forcefully in order to protect them from exploitation and ensure a better future for them through education.

33. With reference to the refugees from Afghanistan, the 4 million Afghan refugees in Pakistan and the Islamic Republic of Iran constituted the largest case of its kind in the world. Pakistan fully supported efforts for peace, rapprochement and reconciliation in Afghanistan which might create the necessary conditions for the repatriation and rehabilitation of the refugees and for the reconstruction of the economy. The continued fighting in Afghanistan had led to the arrival of more refugees in Pakistan, and their presence - together with the decision by UNHCR to gradually scale down the care and maintenance programme - had added a further strain to the country's limited resources and its capacity to tackle the refugee problem. UNHCR, the World Food Programme (WFP) and donor countries should therefore take a fresh look at the refugee situation in Pakistan. After thanking UNHCR for its support to Pakistan in environmental rehabilitation and acknowledging the positive results of the income-generation projects of UNHCR and the World Bank, he said that the cumulative ecological damage and environmental degradation of the previous 17 years needed to be addressed in a more comprehensive manner.

34. The half-hearted measures taken by the international community to deal with the situation of refugees in the former Yugoslavia had prolonged the misery of the people affected, as mounting evidence showed that the safe havens had become death traps for the besieged Bosnians. Pakistan commended UNHCR and WFP for bringing them humanitarian aid and trusted that the international community would concern itself with creating conditions for the return of refugees to Bosnia and Herzegovina. The entire Bosnian population needed psychophysical support for rehabilitation, as well as massive technical and financial aid for the reconstruction of the country. The situation in Kashmir, with its successive waves of refugees from Indian-held Kashmir, was turning into a humanitarian crisis. The Neelam Valley in Azad Kashmir was completely cut off because of constant firing from the Indian side of the line of control. In conclusion, he urged the United Nations to tackle the refugee problem by making full use of preventive diplomacy, peacemaking, peace-keeping and peace-building so that humanitarian disasters could be avoided. It was the hope of Pakistan that the capacity of UNHCR would be increased and used to further alleviate the suffering of refugees.

35. Mr. MUKASA-SSALI (Uganda) said that the implementation of the provisions of the international instruments dealing with refugees was the only protection against host countries denying safe entry to refugees and refusing to take care of their basic human needs. In view of the impressive number of refugees successfully repatriated in Angola, Eritrea, Ethiopia, Liberia and Mozambique, the harassment and taunting of women and children during that process was unacceptable, and was incompatible with the strong commitment to those vulnerable groups made at the Fourth World Conference on Women in Beijing. Uganda therefore supported the rapid implementation of the new UNHCR guidelines on preventing and responding to sexual violence against refugees.

36. There was a need for agreement on a codified set of international instruments whereby the sovereignty of States and the principle of territorial jurisdiction could be balanced against the inalienable rights of internally displaced persons. At the regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura, Burundi, from 15 to 17 February 1995, a plan of action had been developed which it had not been possible to implement for various reasons. After commending the High Commissioner of UNHCR for its work in the Great Lakes region, and the United Republic of Tanzania and Zaire for the generous hospitality they had extended to thousands of refugees for so long, he welcomed the arrangements for "service-packages" which allowed the airport and other logistics base services to be used.

37. The international community must ensure that the International Tribunal for Rwanda began to function, in order to see that justice was done, before beginning on the restructuring of social institutions and revitalizing of the economy. As conflict was one of the major causes of displacement of peoples, the Organization of African Unity had instituted a mechanism for conflict prevention and resolution, as part of its regional peacemaking initiative encompassing interrelated aspects of preventive diplomacy. Uganda affirmed the relevance of the three-pronged approach to the refugee problem, namely, preparedness, prevention and solutions. It hoped that related initiatives which had been taken would act as a catalyst for long-term development and that every effort would be made to integrate them in national development plans and country programmes. Finally, Uganda commended the efforts of organizations such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM) and Save the Children, and emphasized the need for better coordination at the local level to derive the greatest benefit from their activities.

38. Mr. AHMED (India) said that India, as a new member of the Executive Committee of the High Commissioner's Programme, wished to place on record its deep appreciation and support for the exemplary work being carried out by the High Commissioner and her Office. Great care must be taken not to overload the Office; the objective should be to strengthen the structure of UNHCR in a realistic way in order to ensure that it would be able to carry out its existing activities. India fully supported the need for global efforts to address the entire range of refugee-related problems, including enhancing security and predictability of protection, international solidarity and burden-sharing, and the effective reintegration of refugees. Proposed reintegration criterion of UNHCR which stressed the role of women was important, and UNHCR efforts to work with the Department of Humanitarian Affairs in that area deserved complete support. The basic human rights of refugees must be addressed in conformity with uniform universal norms.

39. It was noteworthy that in recent years UNHCR had been called upon to define more complex refugee situations, including that of internally displaced persons. It should be underlined that, when assistance was required in such cases, the consent of the State concerned was an important prerequisite. A candid and realistic appraisal of such situations in their totality was also necessary in order to avoid political partisanship. It was also important that humanitarian

non-governmental organizations adhere strictly to their non-partisan and non-political mandates so that Governments would continue cooperating with them. The accountability of non-governmental organizations actively involved in the humanitarian field went hand in hand with their mandated responsibilities.

40. Since its independence, India had received millions of refugees, allowing them to practise their own cultures, traditions, languages and religions and set up their own schools with funding from the Government. It had always been India's policy that repatriation should be strictly and entirely on a voluntary basis, and to that end India had sought to negotiate bilateral agreements such as the ones negotiated with Bangladesh and Sri Lanka. He noted with interest the initiative to develop a concerted strategy to address issues concerning refugees in the Commonwealth of Independent States and neighbouring States, and to identify, in particular, the types of refugees and related movements in that region. The need for burden-sharing between the United Nations, the donors and the host country could not be stressed enough. It was a matter of concern that the institution of asylum was under threat and becoming more restrictive precisely because of resource constraints. The main causes for population displacements and refugee flows were hunger, poverty and environmental degradation. With that in mind, it was important to note that, as the Secretary-General had stated in his report on assistance to refugees, returnees and displaced persons in Africa (A/50/413), development was the basic solution to the refugee problem.

41. Mrs. EL GHABSHAWY (Sudan) said that over the preceding 30 years the Sudan had received more than 1 million refugees, to whom it had provided every kind of assistance, such as access to employment, education, medical care, and even farmland with a view to their integration. It had also facilitated in every way their repatriation or voluntary return. All that had been done despite the country's economic problems and the fact that the influx of refugees had doubled demands on its infrastructure. Although the international community had never failed to provide assistance for the refugees, it was a source of concern that recently the international community had begun to gradually reduce that assistance.

42. It was important that international assistance should not be reduced, because the economic situation in some host countries such as the Sudan was beginning to be unsustainable. In the view of the Sudan, the current allocation of resources for refugee programmes was unfair, whatever the criteria and reasoning might be. It believed that, by allocating large sums to certain countries, the contributor countries reduced UNHCR financial resources and hindered the chances of fair and impartial distribution of UNHCR assistance. Therefore, UNHCR itself should allot all funds directly. The methods for distributing international assistance should be modified radically so as to be free of political considerations. Host countries which lacked sound economic structures could not assume that burden of responsibility on behalf of the international community.

43. For that reason, the Sudan was revising its open-door policy to take into account new changes on the international scene and the interests of the Sudanese people. If the international community did not increase the resources allocated to the Sudan for refugees, the country would face an emergency situation which

would oblige it to reconsider the policy that had led it to assume that burden in the past. As a result of the constitutional changes in the Sudan, which had granted total autonomy to the existing 26 federal states, the status of the refugees could be affected if the international community did not adopt urgent measures to provide more support to the States in which the majority of the refugees were concentrated, especially since in many cases they had overloaded the country's already limited economic capacity. The special situation of the refugees in Africa, particularly in the Horn of Africa, must be analysed to take into account the political changes and the scanty resources in that region. In many international meetings, the Sudan had stressed the need to hold a regional conference on the situation of refugees and displaced persons in the Horn of Africa, like other meetings held on the same issue in various regions of the world.

44. Reports that the Sudan was restricting the freedom of movement of Eritrean refugees in the eastern part of the country and that their human rights were being threatened were, she declared, unfounded. At times a country was obliged to adopt precautionary measures in its national interest or for security reasons, as provided for in international law. The Sudan had always expressed its reservations concerning freedom of movement for the refugees, based on the principle of the sovereignty of States. The Sudan was willing to receive impartial missions which would determine the real situation concerning the refugees' freedom of movement. The best solution to the refugee problem was voluntary repatriation. The Sudan had negotiated a tripartite agreement with Ethiopia and UNHCR for the repatriation of 350,000 Ethiopians, and hoped that sufficient funds would be allocated to complete that programme, which had already permitted the repatriation of 27,000 Ethiopians. In addition, thanks to a bilateral agreement with UNHCR in an experimental programme, 25,000 of the more than 500,000 Eritrean refugees in the Sudan had been repatriated.

45. Referring to the Secretary-General's report on assistance to unaccompanied refugee minors (A/50/555), submitted in accordance with General Assembly resolution 49/172, she thanked the Secretary-General and the bodies concerned for their efforts to gather information, although the report had not lived up to expectations since it only contained statistical information and general data and did not suggest ways to alleviate the suffering of those children or reunite them with their families. She pointed out that the resolution mentioned above had been adopted on an initiative of the Sudan, motivated by its concern for the situation of more than 20,000 children who had been sequestered by the insurgent movement in the south of the country, which used them as explosives carriers, human shields in minefields and as a military reserve, a situation which was intolerable since it violated religious and humane principles. For those reasons, the Sudan called on UNHCR to endeavour to protect those children in accordance with its Guidelines on Refugee Children, to carry out a census of unaccompanied minors and to indicate in which camps they were to be found so that the Sudanese authorities could visit them, since their safety was the responsibility of the Sudan.

46. It would also be a good idea to establish an international programme of voluntary repatriation as part of the Sudan's voluntary repatriation programme so that all Sudanese refugees located in neighbouring countries could return home. The Sudan was prepared to receive them and to create economic and social

conditions that would allow them to lead normal lives. Following repatriation, it was important that receiving countries, especially those which had had to deal with the prolonged presence of refugees, should be compensated in some way for damage to their environment, the negative impact on their basic structures and the depletion of their natural resources.

47. Her delegation could not agree with the view that the High Commissioner's mandate should be extended to cover persons who had been displaced inside their own country and migrants. In that context he referred to chapter II, article 6, of the Statute of UNHCR (General Assembly resolution 428 (V) of 14 December 1950) which laid down the categories of persons who fell within the Office's mandate and did not include the aforementioned groups. Since UNHCR had experienced serious economic problems in dealing with all the refugees in its care, it would be unable to take on the additional burden of persons displaced inside their own country, for example, who were the sole responsibility of the Government concerned.

AGENDA ITEM 108: INTERNATIONAL DRUG CONTROL (continued) (A/C.3/50/L.14)

Draft resolution A/C.3/50/L.14

48. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.14, entitled "International action to combat drug abuse and illicit production of trafficking", and said that the draft resolution had no programme budget implications.

49. Mrs. ESPINOSA (Mexico) announced that Argentina, Azerbaijan, Belgium, Guyana, Malta, Mauritius, Singapore, South Africa and Suriname had become sponsors of the draft resolution.

50. The CHAIRMAN announced that Bangladesh, Barbados, Cyprus, the Gambia, Ghana, Guinea, Kenya, Papua New Guinea, Paraguay, the Russian Federation, Rwanda, Senegal and Swaziland had also become sponsors of the draft resolution.

51. Ms. BUCK (Canada) said that her delegation had had some misgivings about earlier versions of the draft resolution which had made reference to the holding of world conferences to combat drugs. However, following lengthy negotiations skilfully conducted by the Mexican delegation, the version of the draft resolution which the Committee currently had before it stated that the proposal to convene a second international conference to combat drugs would be submitted directly to the Commission on Narcotic Drugs for consideration. In the light of those changes, her delegation was pleased to announce that it would join in sponsoring the draft resolution.

52. Mr. JONES (United States of America) drew attention to section IV of the draft resolution, relating to the proposal to convene an international conference. Although his delegation did not intend to call for a recorded vote on the draft resolution, it could not endorse the proposal. Moreover, when the matter came up for discussion in the Commission on Narcotic Drugs, pursuant to the draft resolution, his delegation would oppose the convening of such a conference. Delegations would recall that, in his statement during the general debate at the current session of the General Assembly, the United States

Secretary of State had called for a moratorium on major international conferences because the United States Government believed that the Organization's resources should be devoted to helping the most needy Member States and not to convening world conferences whose purposes and objectives were far from clear. The United States Government believed that an effective legal and policy framework for international cooperation on narcotic drugs had already been put in place. Therefore, rather than convene another conference on narcotic drugs, he once again urged all Member States which had not yet done so to ratify the various relevant instruments and to enact the national legislation necessary to implement them. The high-level meeting on drug control to be held under the auspices of the Economic and Social Council in 1996 would provide the international community with an opportunity to reaffirm its commitment to drug control and, to the extent necessary, give it new direction. At a time of budgetary austerity it was necessary to utilize effectively existing multilateral forums for improving cooperation on all aspects of drug control.

53. Lastly, his delegation wished to make a clarification with regard to the statement made on 30 October 1995 by the representative of Thailand on the subject of drug control. That statement had misrepresented the facts relating to United States policy and activities in the field of drug control. The United States firmly intended to combat the scourge of drugs, in accordance with international agreements and its own domestic law. It regretted that the representative of Thailand did not share the common objective of putting a stop to illicit drug traffiking in view of the long tradition of cooperation that existed between the two countries in the field of international drug control.

54. Draft resolution A/C.3/50/L.14 was adopted without a vote.

55. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 108.

AGENDA ITEM 105: SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/50/L.2 and L.10)

Draft resolution A/C.3/50/L.2

56. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.2, entitled "International Year for Older Persons: towards a society for all ages", and noted that, in its resolution 1995/21, the Economic and Social Council had recommended it for adoption by the General Assembly. The draft resolution had no programme budget implications.

57. Draft resolution A/C.3/50/L.2 was adopted without a vote.

Draft resolution A/C.3/50/L.10

58. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.10, entitled "Follow-up to the International Year of the Family", and said that the draft resolution had no programme budget implications.

59. Ms. NEWELL (Secretary of the Committee) read out two revisions that had been made to the draft resolution: in paragraph 2, "by 1996" should be replaced by "before the end of 1995". In paragraph 5 (b), the word "comprehensive" should be inserted after the words "To prepare a".

60. The CHAIRMAN announced that the Dominican Republic no longer wished to be included on the list of sponsors of the draft resolution, but that Austria, Guinea, Madagascar, Nigeria, the Philippines, the Republic of Moldova and Rwanda wished to become sponsors.

61. Ms. WOERGETTER (Austria) announced that Costa Rica also wished to become a sponsor of the draft resolution.

62. Mr. NOGUERA (Guatemala) said that, while his delegation had joined the consensus on the draft resolution, he wished to place on record that he was unable to accept the third preambular paragraph, which contained a reference to "various forms of family". Guatemala recognized no other form of family except that which resulted from the consensual union of a man and a woman.

63. Mrs. KABA (Côte d'Ivoire) said that her delegation was prepared to join the consensus, provided it was clear that the use of the term "various forms of family" did not represent an attempt to gain acceptance for certain forms of family that had already been rejected in other forums, such as the Fourth World Conference on Women. In the view of her delegation, the family was composed of a father, a mother and children.

64. Mr. OTUYELU (Nigeria) said that his delegation was a sponsor of the draft resolution, but that the use of the term under discussion did not mean that his Government accepted various forms of family; it understood the family as being the unit made up of a father, a mother and children.

65. Mrs. D'ALVAREZ (Dominican Republic) explained that her delegation had withdrawn its sponsorship from the draft resolution because, contrary to what had been agreed previously, the text included a reference to "various forms of family", a term to which her delegation objected. Nevertheless, it would join in the consensus because it was in agreement with the remainder of the draft resolution.

66. Mr. AL-SAEID (Kuwait) said that his delegation could not endorse the wording used in the third preambular paragraph with regard to the existence of various forms of families in different cultural, political and social systems. The foundation of the family was the union of man and woman.

67. Mrs. LIMJUCO (Philippines) said that in becoming a sponsor of the draft resolution, her delegation was only supporting the concept of the family as the basic unit of society made up of a man, a woman and children.

68. Mr. WISSA (Egypt) said it was his delegation's understanding that the content of the third preambular paragraph of the draft resolution was consistent with the terms used in that context at the international conferences which had dealt with the question, namely, that the family was based on the union of man and woman.

/...

69. Mr. MEKDAD (Syrian Arab Republic) said that although his delegation had joined the consensus, that did not mean that it accepted any other form of family than that which consisted of a man, a woman and children.

70. Mr. AL-TAEE (Oman) said he agreed with the views expressed by other delegations on the question; his delegation could not support the reference in the draft resolution to various forms of families.

71. Mr. KHAN (Pakistan) said that the terms used in drafting the third preambular paragraph were based on agreements reached at previous conferences. It was on that understanding that his delegation had joined in sponsoring the draft resolution.

72. Mrs. BENNANI (Morocco) said she wished to reiterate her country's position, which was that the family resulted from the union of a man and a woman.

73. Mr. NAJEM (Lebanon) expressed reservations regarding the third preambular paragraph of the draft resolution. Lebanon recognized only the natural family, namely, the family composed of man and wife.

74. Mr. OULD MOHAMED LEMINE (Mauritania) said that he could not endorse the wording used in the draft resolution. His delegation recognized only the traditional form of family, comprising a man, a woman and their children.

75. Mr. SAHRAOUI (Algeria) said he had joined the consensus because the text had been accepted at several conferences and had the same meaning it had had at those conferences, which was understood by all.

76. Mrs. SETYAWATI (Indonesia) said that her delegation understood the family to be the nucleus consisting of man, wife and children.

77. Draft resolution A/C.3/50/L.10, as orally revised, was adopted without a vote.

78. Mr. BARRETO (Peru), explaining his position, said that he had joined the consensus, but wished to reiterate the reservation made by his delegation at the Cairo and Beijing Conferences. Peruvian legislation protected and promoted marriage as a natural institution and as the foundation of society. Family and marriage originated, essentially, with the personal relationship established between a man and a woman.

79. Mr. PACE (Malta) said his interpretation of paragraph 1 was that "gender equality" should mean "free from any discrimination based on sex".

80. Mrs. WAHBI (Sudan) said that her delegation had joined the consensus, recognizing the importance of the family as the nucleus of society on which the community was built. The Sudan acknowledged only one kind of family, namely, the one consisting of the husband, the legitimate wife and the legitimate children, who constituted the structure of a unified society. Consequently, she wished to make a reservation with regard to the third preambular paragraph.

81. Mr. HAMIDA (Libyan Arab Jamahiriya) said that his delegation had joined the consensus and wished to reiterate that the family was the basic unit of society. With regard to the third preambular paragraph, his delegation's position was that the family was created through the legitimate marriage of a man and a woman according to the law, religion and tradition; his Government did not recognize any other family structure. Paragraph 3, which referred to the proposals contained in the Secretary-General's report on the follow-up to the International Year of the Family, did not imply approval of the proposals, which would be discussed in other bodies before they received final approval.

82. Mrs. VADIATIA (Islamic Republic of Iran) said that her delegation wished to express a reservation to the third preambular paragraph since, in its view, the family was established by marriage between a man and a woman.

83. Mr. AL-RASSI (Saudi Arabia) said that his delegation had a reservation to the third preambular paragraph because it understood the family to be made up of a man, a woman and children.

84. Mrs. HERNANDEZ-VALVERDE (Costa Rica), referring to the third preambular paragraph, said that her delegation accepted the expression "various forms of family" only because households headed by women were a reality that was becoming more and more common in Costa Rican society.

85. Mrs. MALDONADO (Bolivia), said that her delegation had joined the consensus and held the view that the family was made up of a man, a woman and their children.

86. Mrs. ARGUETA (El Salvador) said that she had joined the consensus without prejudice to the reservations entered at the International Conference on Population and Development held in Cairo and the concept of family set forth in the legislation of her country.

87. Mr. AL-MAHMOUD (Qatar) said that his delegation also had a reservation with regard to the third preambular paragraph of the draft resolution.

88. Mr. AL ALI (United Arab Emirates) said that he, too, wished to enter a reservation with regard to the third preambular paragraph.

89. Mr. BOGOREH (Djibouti) said that his delegation had the same reservation as others with regard to the last part of the third preambular paragraph. It understood the family to be made up of a man, a woman and their children.

90. Mr. ALAIDROOS (Yemen) said that his delegation had joined the consensus but wished to enter a reservation with regard to the third preambular paragraph. His delegation understood the family to have its basis in the legitimate union of a man and a woman.

91. Monsignor MALLOY (Observer for the Holy See) expressed his delegation's reservation with regard to the third preambular paragraph. It understood the family to be based on the marriage of a man and a woman, according to the definition stated at previous international conferences.

The meeting rose at 6 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
22nd meeting
held on
Thursday, 9 November 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 22nd MEETING

Chairman: Mr. RATA (New Zealand)
(Vice-Chairman)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 109: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/50/3, A/50/12 and Add.1, A/50/275-S/1995/555, A/50/413, A/50/414 and A/50/555)

1. Mr. GODFREY (Australia) said it was being increasingly recognized that women were particularly susceptible to becoming refugees, that their experience of persecution differed from that of men and that they were made vulnerable by their child-bearing and caring roles. His country had demonstrated its interest in improving the lives of women throughout the world by participating in the Fourth World Conference on Women, held in Beijing in September 1995, where it had negotiated agreements to address the issues affecting refugee women. Since 1989 Australia had recognized the priority given by UNHCR to the protection of refugee women by operating a woman-at-risk programme which provided resettlement and special settlement assistance for refugee women who were alone or heads of families and who were identified as being in danger of abuse because of their gender.

2. His country regarded resettlement as an appropriate solution for refugees in circumstances where their need for protection could not be otherwise supplied. Australia's humanitarian programme was, on a per capita basis, the largest in the world, and enjoyed broad community support. It was regarded as an effective contribution to international burden-sharing. For each of the previous three years, 13,000 settlement places had been available. Anyone who arrived under the humanitarian programme was granted immediate permanent resident status and was entitled to a wide range of resettlement assistance.

3. Australia had recognized the need to provide humanitarian relief to refugees in first-asylum countries, the internally displaced and those returning to their homes by announcing an increase of more than 18 per cent in emergency and relief assistance which included a 75-per-cent increase in its core contribution to UNHCR General Programmes in the current financial year.

4. In response to the three major refugee crises, Australia had allocated a further 2,000 resettlement places to citizens of the former Yugoslavia, which made a total of 22,000 resettled; it had provided an Australian Defence Force medical contingent to work in Rwanda, as well as considerable financial support for United Nations agencies and non-governmental organizations working in the region; and it had made substantial financial contributions to the Comprehensive Plan of Action for Indo-Chinese Refugees, as well as resettling nearly 20,000 refugees under that Plan.

5. In Australia's view, the vast numbers of persons displaced or otherwise affected by conflict required mechanisms to supplement the 1951 Convention relating to the Status of Refugees. The international community's response in the past had of necessity often been ad hoc, but it would seem reasonable to prepare some broad guiding principles for future use. He therefore suggested the use of temporary protection in situations of mass influx. However, a clear distinction should be made between such temporary protection, which would

require its own regime, and conventional refugee status. His country also supported UNHCR efforts to deal with the issue of statelessness, and urged other countries to accede to the relevant conventions and legislate to deal with the problem of statelessness.

6. Australia was actively promoting more innovative and effective approaches to emerging refugee and humanitarian problems; was willing to respond generously to humanitarian need in all forums and was committed to alleviating the plight of displaced persons and refugees, the resettlement of whom had contributed to shaping his country into a culturally diverse and tolerant nation. Australia would continue to value the positive contributions made by refugees to its society.

7. Mr. ADAWA (Kenya) said that more than a third of the world's refugee population came from Africa. New types of mass exodus were occurring, creating serious problems for both host and home countries. The root causes must be tackled on the national level, and preventive measures taken with the support of the international community. His delegation therefore supported the UNHCR call to Member States, international organizations and non-governmental organizations to provide resources to rehabilitate and resettle refugees and displaced persons in developing countries, particularly in Africa.

8. Kenya was particularly concerned by the situation in neighbouring Somalia. The large influx of Somali refugees into Kenya since 1992 had had a devastating effect on the most ecologically fragile parts of the country, and there were still more than a quarter of a million Somali refugees in Kenya at the end of 1994, in addition to over 40,000 refugees from other neighbouring States. Kenya would continue its cooperation with UNHCR in the voluntary repatriation programmes to facilitate their return. However, the burden continued to weigh heavily on Kenya. He therefore called on UNHCR and the international community to speed up repatriation.

9. His delegation supported the strategic approach adopted by UNHCR in order to promote lasting solutions and to anticipate problems. His understanding was that UNHCR would continue to formulate and implement social services projects designed to cater for the needs of refugees in the affected areas of East Africa. It was important to ensure that projects intended to benefit both refugees and the local population were sustainable even after the repatriation of the refugees.

10. Mr. ABOUL-MAGD (Egypt) said that his delegation had been concerned to learn from the report of the United Nations High Commissioner for Refugees (A/50/12 and Add.1) that 50 per cent of the world's refugee population was in Africa. He therefore appealed for additional funds to be allocated to the region.

11. With reference to voluntary repatriation, his delegation stressed that all States should honour their commitments under the relevant international instruments, and continue to receive and shelter refugees. That should not, however, be at the expense of the economy and environment of the host country, or threaten its security and stability. More support should be given to host countries, especially developing countries, in order to enable them to fulfil

their obligations to refugees while avoiding such negative internal effects. Every effort should also be made to accelerate voluntary repatriation.

12. Assistance was seriously obstructed by warring parties' use of officials, centres and supply convoys involved in humanitarian relief as a weapon in the conflict, particularly in the former Yugoslavia.

13. His delegation was extremely concerned that the thousands of people missing after the fall of the enclaves in eastern Bosnia were still not accounted for. The war crimes committed against those people made it imperative that the international community should take measures to bring the perpetrators to justice and ensure that such crimes were not committed again.

14. His delegation supported the Executive Committee of the High Commissioner's Programme in suggesting that the guaranteed respect by all parties for human rights should be an integral part of any peace agreement. His delegation also supported continuation of the role of UNHCR in coordinating humanitarian assistance in the former Yugoslavia until comprehensive programmes were implemented to ensure the dignified and peaceful return and rehabilitation of refugees and displaced persons.

15. Mr. DEKANY (Hungary) said that his delegation fully supported both the statement made under the item by the European Union and the High Commissioner's vision in implementing a strategy of preparedness, response and assistance.

16. He was well aware of the difficulties involved in proposing strategies to avert situations that would produce refugees, including the varying degree of international and internal consensus and of political commitment by the different parties, conflicting agendas and priorities, absence of media and public interest and donor fatigue. However, given cooperation and respect for universally accepted humanitarian principles, progress could be made.

17. Human rights violations constituted a major cause of forcible displacement, which, in turn, could pose a threat to international stability. UNHCR preventive activities were therefore of primary importance. However, Governments themselves had a responsibility to ensure full enjoyment of human rights for all under their jurisdiction. The plight of millions of refugees and internally displaced persons was a tragic reminder of the need for vigilance in detecting abuses and providing an appropriate international response. An international presence in the countries involved could assist in strengthening democratic institutions, promote dialogue and secure respect for human rights, as well as providing humanitarian assistance.

18. His delegation hoped that the forthcoming review of United Nations emergency assistance activities would produce more coordination in early-warning, quick-response and crisis-management capacity, with the political, peace-keeping, human rights and humanitarian components of United Nations operations having a mutually reinforcing role.

19. Access to victims had been increasingly difficult, owing to blatant disregard for elementary standards of humanitarian law. The civilian population had often become the main target of military campaigns, and security in refugee

camps had become fragile. While welcoming the thoughtful use of military assets by UNHCR in relief operations, and other innovative solutions, his delegation was firmly convinced that violators of humanitarian law should be held individually responsible. The existence of international tribunals should serve as an effective deterrent.

20. Voluntary repatriation was the most durable solution, and should be embedded in a broader process of post-conflict rehabilitation. The effective implementation of the UNHCR protection mandate regarding returnees remained essential in securing their reintegration and self-reliance. Reintegration activities should also encompass the restoration of the rule of law, democratic institutions and human rights guarantees. However, repatriation and resettlement should not lead to forcible changes in the traditional ethnic composition of communities or legitimize the results of ethnic cleansing.

21. As a neighbouring country, Hungary was directly affected by the humanitarian situation in the former Yugoslavia; it was giving shelter to ever-increasing numbers of asylum-seekers fleeing persecution and ethnic cleansing. It had recently become necessary to upgrade receiving facilities and infrastructure. With the prospect of peace in sight, there was hope that the process of healing the wounds left by acts of unspeakable brutality could be successful if underpinned by firm institutional and legal guarantees and adequate rehabilitation efforts. The peace agreements should have an appropriate human rights and humanitarian dimension, including the right to return and respect for minority rights, and should provide for effective monitoring mechanisms.

22. A genuinely cooperative relationship was developing between UNHCR and the Organization for Security and Cooperation in Europe (OSCE) on both the political and operational levels. A framework had been created whereby the conflict-prevention and crisis-management capacities of OSCE had been organically linked to the humanitarian operations of UNHCR and other relief organizations. Such mutually reinforcing capacities could be further enhanced by cooperating in the creation of stable conditions to allow the safe return of refugees and internally displaced persons, promote the establishment of democratic institutions, strengthen the rule of law, and monitor the observance of human and minority rights.

23. Mr. ZAINUDDIN (Malaysia) said that concerned Governments and organizations must make a more coordinated effort to assist refugees, displaced persons and returnees, whose numbers had greatly increased over the past three years. It was distressing to note that women and children constituted more than 50 per cent of all refugees. UNHCR needed to collaborate closely with UNICEF, Governments, the International Committee of the Red Cross (ICRC) and non-governmental organizations in order to increase protection and assistance to women and children refugees. Assistance should also be rendered to host countries.

24. Malaysia recognized the importance of regional arrangements in addressing the refugee problem, and supported the convening of a regional conference involving the countries of the Commonwealth of Independent States and relevant

neighbouring States. Likewise, his Government recognized the importance of the Comprehensive Plan of Action for Indo-Chinese Refugees.

25. His delegation also welcomed the agreement reached to conclude activities under that Plan by the end of 1995 (A/50/12, para. 148). His Government was concerned, however, about the proposal made by UNHCR at the recent session of the Executive Committee to the effect that some transitional arrangements should be made to ensure the smooth conversion of the operation into a migration programme. It was not clear what transitional programmes were envisaged: it must be emphasized that the continued presence of Vietnamese boat people in the first-asylum countries in South-East Asia was a refugee problem; it was not a migration issue for the International Organization for Migration (IOM) UNHCR had a continuing obligation to find a lasting solution to that problem. His Government hoped that the agreement signed by Malaysia, Viet Nam and UNHCR in January 1995 (ibid., para. 143) would help solve the problem of Vietnamese boat people in Malaysia before the end of 1995, through the implementation of the orderly return programme.

26. Mr. SAKONHNINHOM (Lao People's Democratic Republic), noting that solutions were now being found to the problems of refugees in South-East Asia, said that some 24,500 Lao refugees had voluntarily returned to his country under the auspices of UNHCR. The repatriation results of 1994 and 1995 were encouraging. The Lao people were enthusiastically taking part in the development of the country, and no longer sought to leave. At the meeting among the Governments of Thailand and the Lao People's Democratic Republic and UNHCR, held in July 1994 (ibid., para. 146), discussions had focused on efforts to finalize the repatriation of Lao by the end of 1995.

27. With the assistance of UNHCR, the European Union and friendly countries and non-governmental organizations, his Government had prepared the sites for welcoming back Lao returnees. His Government hoped that it would be able to move forward with its humanitarian repatriation programme without having to deal with political pressures, which would only delay the effort.

28. Mr. MATESIC (Croatia) said that Croatia knew all too well the problems faced by refugee-receiving countries and countries that had internally displaced persons. While his Government was grateful for the assistance provided by donor countries, charitable organizations and UNHCR, international assistance covered only 30 per cent of the needs of the refugees and displaced persons in Croatia. The Croatian Government had had to provide $370 million in assistance in 1994 alone. His Government's goal was not to compete for international assistance but to direct global attention to the wider aspects of the problem and to stress the need for burden-sharing worldwide. The international community must adopt a comprehensive approach which should include not only prevention, but also measures for addressing the root causes of migratory flows. In addition, humanitarian relief must be transformed into longer-term development projects, and equal international protection must be provided to both internally displaced persons and to refugees.

29. He wished to clarify certain policies adopted by his Government that had not been understood among certain elements in the international community. Firstly, he wished to point out that the 20,000 Bosnian Muslims from the Velika

Kladusa region of western Bosnia who had entered Croatia were members of paramilitary groups and civilians who had sided with Croatian and Bosnian Serbs in their fight against the armed forces of the Bosnian Government. In order to address the problem of those individuals, Croatia had signed an agreement with the Governments of Bosnia and Herzegovina and of Turkey establishing trilateral police forces in order to facilitate their repatriation, which was currently moving forward with the assistance of UNHCR.

30. Another issue had been the Croatian Government's decision, made after the liberation of parts of north-western Bosnia and Herzegovina, to repatriate a number of Bosnian refugees who had fled to Croatia as a result of Serbian aggression. That decision had been incorrectly portrayed by some as a decision to rescind their refugee status. He wished to point out that the decision had been made in coordination with the Government of Bosnia and Herzegovina; that it only affected some 10,000 to 15,000 Bosnian refugees out of a total of over 208,000; that repatriation was only to occur in secure areas, and that it would be organized by a joint Bosnian-Croat committee working in coordination with UNHCR.

31. As a result of Operation Storm, Croatia had succeeded in liberating most of its occupied territories. While that development would allow for the return of many displaced persons to their homes, it had also created an exodus from Croatia of some 30,000 members of ethnic Serb paramilitary groups and 90,000 civilians who had accompanied them. It must be stressed that they had left despite pleas from the Croatian Government for them to stay, and that they had not been forced from their homes but had left in an organized manner and upon orders from their leaders. Those individuals had been subjected for several years to a steady diet of hatred towards Croatia and the Croatian people, and not a small number of them had committed crimes against Croats and other non-Serbs since 1991. The Government of Croatia understood, however, that a great many of those who had fled had not committed any crimes but had been manipulated by Belgrade, which had orchestrated the policy of creating a "Greater Serbia". Therefore, Croatia supported the return of those individuals to their homes in safety and dignity. The manner and timing of such a repatriation needed to be worked out in bilateral agreements. Croatia agreed entirely with those previous speakers who had stated that premature repatriation carried out in adverse conditions might heighten tension and even renew conflict, and that repatriation should therefore be well planned and carried out in stages.

32. The major problem to be resolved before the repatriation of ethnic Serbs to the newly liberated areas of Croatia was the issue of security. The area had been depopulated, and no local civil or security structures existed over most of the territory. That had led to a degree of lawlessness in the area. Croatia was undertaking measures to remedy the situation, which would be fully controlled once Croatian security forces no longer needed to be engaged in large-scale warfare and could concentrate on internal security instead.

33. Although Operation Storm had led to the reintegration of the major portion of the occupied territories of Croatia, the Vukovar region (Eastern Slavonia, Baranja and Western Srijem) still remained under Serb occupation. That region, which was vitally important to Croatia, was home to over 125,000 Croats and

other non-Serbs who had been driven from their homes in a brutal and barbaric campaign of aggression. Those individuals accounted for approximately one-half of the combined number of displaced persons in Croatia and refugees who had fled Croatia to other countries. Therefore, reintegration of that territory into the legal and political system of Croatia was indispensable if the problem of refugees and displaced persons in Croatia was to be fully resolved.

34. Mr. CARDOZO (Argentina) noted with satisfaction that during the past decade, South America had ceased to have serious refugee problems. Although a considerable number of persons still sought refuge in South America, the figure was not significant on a global scale. The difficulty being faced by his country had to do with the need to distinguish between persons migrating for economic reasons and persons who had a well-founded fear of persecution and truly qualified for refugee status.

35. He drew attention to the need to strengthen initiatives and mechanisms, within the United Nations system, for promoting human rights as a means of preventing refugee situations. It was worth while noting that the San José Declaration on Refugees and Displaced Persons addressed the key issue of harmonizing legal criteria and procedures to consolidate durable solutions. His delegation wished to express its appreciation to UNHCR and the Inter-American Institute of Human Rights, as well as to the Government of Costa Rica, for their sponsorship of the colloquium which had adopted the Declaration. A number of seminars had since been held in South America with a view to improving existing legislation on refugees and strengthening the relevant national institutions.

36. South America had responded to the High Commissioner's appeal on behalf of refugees from Europe. His Government, which applied the guidelines of the Cartagena Declaration and the San José Declaration, wished to express its appreciation to UNHCR for its cooperation in providing assistance to refugees who arrived in Argentina.

37. Mrs. MARENAH-JAMMEH (Gambia) commended UNHCR for its untiring efforts and stressed the need to make all necessary resources available to the Office to enable it to carry out its operations. Of the approximately 28 million refugees and displaced persons in the world, 50 per cent were in Africa; and the majority of them were women and children, who were vulnerable to acts of violence and sexual harassment, and therefore required special protection. All States must engage in dialogue and seek peaceful solutions to their refugee problems. Respect for human rights, accountable governance, tolerance and economic development were pre-conditions for preventing such problems. African countries should make maximum use of the mechanism for conflict prevention, management and resolution of the Organization of African Unity (OAU) in order to minimize conflict. The Gambia expressed concern at the refusal by some African States to admit refugees seeking asylum. Although a large influx of refugees caused difficulties for countries of asylum, there was a moral obligation to help them.

38. Her country, like others in the West African subregion, was not immune to the refugee problem. Owing to various types of conflict, there were approximately 10,000 refugees in the Gambia, mainly from Senegal, Sierra Leone and Liberia. Her Government had recently established a national commission to coordinate services for refugees. Five refugee camps had been set up in

different parts of the country for refugees who had not been integrated into host families. Humanitarian assistance was provided to refugees by the Government, non-governmental organizations and private individuals. Schools and skills centres had been built and jobs created to meet the needs of refugees. Voluntary repatriation and reintegration were promoted in accordance with UNHCR guidelines. Her delegation, however, did not feel that the report of the United Nations High Commissioner for Refugees (A/50/12) adequately reflected the refugee situation in the Gambia and the efforts by the Government and people to provide assistance to the refugees, and hoped that the situation would be accurately described in the future.

39. Mr. DANESH-YAZDI (Islamic Republic of Iran) said that, in view of the ever increasing number of refugees and displaced persons in the world, the international community must step up its efforts, through a concrete action plan, to tackle other root causes of the refugee problem, such as war, social inequality, the unbalanced international economic system and denial of the right to development. An open-ended working group made up of the member States of the Executive Committee of the High Commissioner's Programme should be set up to deal with the root causes. The group could present its findings and recommendations to the Executive Committee in order to take a fresh approach in efforts to find a durable solution. The principles of international solidarity and burden-sharing obliged all members of the international community to share the responsibility of caring for and protecting refugees. The UNHCR secretariat should prepare a report about the real needs of refugees measured against the international resources actually allocated for them. The report would serve as a basis for assessing the responsibility of the international community and determining its functions.

40. All factors that forced people to leave their homelands should be analysed in a comprehensive manner in order to find practical solutions and take preventive measures, including appropriate arrangements and coordination at the regional level. Other arrangements could be made, such as greater participation by non-governmental organizations, reconstruction of economic infrastructure, more flexibility in the use of international resources on the part of host countries and encouraging voluntary repatriation as the most desirable solution.

41. Recent fighting in Afghanistan had impeded the repatriation of Afghan refugees from the Islamic Republic of Iran. The repatriation programme for 1995 had not met its target, and there was a need to revise the proposed UNHCR General Programmes budget for 1996 to respond effectively to the needs of Afghan refugees in his country. Efforts should also be made to establish a flexible procedure for utilizing resources allocated to the repatriation programme for the purposes of care and maintenance under the General Programmes. In view of the situation in the region, he stressed the importance of preparing contingency plans to cope with further refugee flows.

42. The Islamic Republic of Iran, in spite of its economic hardships, had been host to more than 4.5 million refugees for 16 years, providing them with shelter, employment, education and health care. That situation had led to environmental degradation, reduced employment opportunities for Iranian citizens, annual expenditures of approximately $700 million for refugees, illegal transfers of foreign currency and drug trafficking. Although half of

the refugees had voluntarily returned to their countries, almost 2 1 million people from neighbouring countries were still in the Islamic Republic of Iran, which was at the top of the list of host countries.

43. In spite of the limited international assistance, his Government had done its utmost to carry out its moral responsibilities. A thorough review of the proposed annual budget for his country was essential since UNHCR assistance was not commensurate with the number of refugees there or the diversity of their needs. Peace must be restored in Afghanistan in order to put an end to the suffering of its people and prevent further refugee flows. Priority should be accorded to restoring basic services in Afghanistan and rebuilding its economic infrastructure to facilitate repatriation. Preventive policies should be formulated to address the root causes. Non-governmental organizations should do much more to relieve the suffering of refugees. Moreover, a regional conference to find solutions to refugee problems in South and Central Asia should be considered seriously by the parties and countries concerned.

44. Mr. EVRIDIADES (Cyprus) stressed the need to provide special care to refugee women and children, who constituted 80 per cent of the overall number of refugees in the world, and pledged his country's continued support for measures to strengthen further the policy of UNHCR in that field. The international climate in which the Office had been established and the nature of the refugee problem had changed radically. UNHCR should, therefore, review its legal basis and adapt it to current requirements. For example, there was no international machinery to protect internally displaced persons, who were not considered refugees under the UNHCR mandate. The protection of internally displaced persons under international humanitarian law should be further codified and incorporated in an additional protocol to the 1951 Convention relating to the Status of Refugees. Furthermore, UNHCR might wish to assess the nature of its humanitarian assistance and determine the conditions under which it could operate, before its humanitarian mandate was eroded under the pressure of vested interests and political exigencies.

45. It was noteworthy that the Office had begun to focus its humanitarian assistance on development and was making use of preventive diplomacy in order to get at the root causes of mass migration. Cyprus supported a concerted preventive strategy encompassing preventive diplomacy, human rights, democracy-building, social and sustained economic development, an early-warning system and disaster prevention. That strategy should also include the concept of legal deterrence which called for the punishment of those who perpetrated crimes. In that connection, his Government strongly supported the establishment of an international criminal court for human rights violators. All the agencies concerned should integrate their activities as part of a far-sighted, all-embracing prevention strategy. All countries, in a spirit of solidarity and burden-sharing, had the obligation to alleviate the suffering of refugees and ensure respect for their human rights.

46. The gross human rights violations and crimes committed by Turkey in its invasion of Cyprus were well known. One of the tragic aspects of the question of Cyprus was that of the internally displaced persons, whose basic human rights, including the right to return to their ancestral homes in safety and dignity, had been denied for the past 21 years. Not a single refugee had been

allowed by the occupying Power to return home. The findings of numerous international human rights bodies had underscored the fact that the prevention by Turkey of the return of Greek Cypriot refugees to their homes in the north of Cyprus could not be justified on any grounds.

47. Cyprus expressed appreciation for the work carried out by the international community, donor countries and UNHCR in alleviating the plight of the displaced persons on both sides of the dividing line. The right of all the displaced persons to return to their homes and property was a prerequisite for a viable and just solution to the question of Cyprus. He noted with satisfaction that the problem of the refugees and their voluntary return to their homes were major issues being dealt with in the search for a solution in the former Yugoslavia. That approach should also apply in the case of Cyprus.

48. Ms. TSABEDZE (Swaziland) said that the increased scale and complexity of the refugee problem was giving rise to unprecedented challenges, making it more difficult for UNHCR to function effectively. In Africa, the refugee population currently stood at more than 7 million and there were about 5 million internally displaced persons. Large numbers of people were fleeing human rights abuses, ethnic intolerance, armed conflicts and civil strife, and the phenomenon created immense security and socio-economic burdens.

49. The peoples of southern Africa had hoped that, with the achievement of peace in their subregion, the situation would improve; but the endless wars in certain African States were once again forcing those peoples to cope with the presence of numerous refugees. Her Government would, however, honour its international and humanitarian obligations. As people often lacked valid documentation, it was desirable to adopt a coordinated approach in order to ensure that genuine asylum-seekers could be identified; possible ways of establishing their prior whereabouts and status were being considered. Also, a number of seminars had been held in southern Africa to formulate strategies for dealing with migratory movements in the region.

50. It was a humanitarian obligation to provide sanctuary in times of conflict, but however willing States might be to welcome refugees, the strain on the host country's resources might be too heavy, and foreign assistance was needed. He appealed to the international community to provide the required funds and logistic input, and praised international efforts to bring protection and relief to the victims of war, persecution and violence all over the world.

51. Mr. SCHATZER (Observer for the International Organization for Migration (IOM)) said that the hopes of the international community that the scale of the refugee problem would diminish had not been realized. Every year, increasing numbers of people were forced to seek refuge from violence and persecution. Such tragic developments multiplied the challenges facing IOM, an organization with particularly close ties to UNHCR, in its efforts to relieve human misery and to help people to return to a normal life. Those problems, transcending the capacities of any single organization, also served to underscore the need for even more timely coordination and more equitable burden-sharing. States and organizations must endeavour to create conditions conducive to reducing and eliminating the pressures which caused refugee flows. IOM was continuing to

develop and upgrade its skills in order to support the international community's efforts to assist the victims of humanitarian crises.

52. Member and observer States of IOM were using a newly devised process of strategic planning to affirm and strengthen the organization's role in dealing with the operational challenges of migration, increasing emphasis on better understanding of migration issues, encouraging social and economic development, and working to ensure the human dignity and well-being of migrants.

53. He gave examples of the close, constructive cooperation between UNHCR and IOM in joint operations carried out recently by the two organizations. Those included the return of 67,000 Afghans from the Islamic Republic of Iran to Afghanistan, and assistance to 400,000 refugees and internally displaced persons in the Great Lakes region of Africa. In post-emergency situations, a group which often became a major liability and risk to the precarious peace process was that of soldiers who had to be demobilized and prepared for reintegration into civil society; that task posed formidable challenges to be addressed jointly with the United Nations system and other concerned parties. Experience gained in such operations in Mozambique and Haiti was evaluated, and would be useful in other instances such as Angola and Liberia. The return of qualified nationals to participate in reconstruction in their home countries was another milestone on the road to normalization, and IOM programmes to encourage that return had played an important role in a number of countries, including Rwanda. While such programmes could not initiate peace, they could help cement it.

54. The aftermath of conflict sometimes lasted for decades, as in the case of some 40,000 screened-out asylum-seekers in South-East Asia. IOM, UNHCR and concerned Governments were currently looking for solutions to that remaining element of a crisis that had changed from a larger refugee crisis to a smaller, but still difficult, migration challenge.

55. A comprehensive approach to migration also involved issues of prevention of irregular flows in those cases where no specific protection concerns prevailed. Realistic, credible information activities in countries of origin about conditions in countries of intended destination, as well as risks and options, offered another opportunity for UNHCR and IOM to work together.

56. Organizations had to be selective as to their involvement, and be willing to desist in situations where other partners were better placed to provide assistance. Complementarity and a cooperative and innovative approach could, however, produce results that could not be achieved by a single actor, as in the Commonwealth of Independent States, where UNHCR, OSCE and IOM had come together to assist Governments in developing effective approaches to problems in the region.

57. Mr. MWAKAWAGO (United Republic of Tanzania) said that his delegation regretted the continuing deterioration of the refugee situation in the Great Lakes region of Africa; refugees from Rwanda and Burundi continued to flee into neighbouring countries, and the United Republic of Tanzania was currently host to more than one million refugees. That constituted a severe strain on the country's Government, people and social infrastructure. The United Republic of Tanzania had traditionally welcomed refugees from African countries, and the

Government had seen to it that those people fleeing from atrocities had been well received and humanely treated. Many had even been granted Tanzanian citizenship. However, the country's resources and generosity had been stretched to the limit, repatriation efforts had not been very successful, and the crisis had reached alarming proportions. Rwanda and Burundi must create an environment conducive to the safe and secure return of their citizens, otherwise seeds of conflict and mistrust would be sown in the region.

58. His Government's measures to secure its borders with Burundi must be seen in that context; they were intended to ensure that an already bad situation was not made worse by a new wave of refugees. Due attention should be paid to problems facing countries of asylum; in the case of the United Republic of Tanzania, not only had the situation led to ecological imbalance and disruptions of infrastructure and social services, but there had even been military incursions from neighbouring countries, allegedly in hot pursuit of guerrilla fighters.

59. What was required was the repatriation of the refugees, together with measures to contain any recurrence of the causes of displacement. National reconciliation, power-sharing and tolerance must be fostered, with commensurate support from the international community. Law and order, respect for human rights, and mutual trust among Governments must be restored as a matter of urgency, to avert the danger of a new crisis.

60. His Government did not for one moment belittle the tragic events of 1994. To assist in the search for a durable solution, it had provided facilities for the setting up of the headquarters of the International Tribunal for Rwanda, and was willing to participate in the task of separating those guilty of genocide from genuine refugees, which could not be done by the countries of asylum alone, but was feasible with the active support of the authorities in Rwanda. His Government looked forward to continuing close cooperation with UNHCR in addressing the problems of the region.

The meeting rose at 12.40 p.m.